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Chairman: Mr. Al Bayati ..... (Iraq)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 10.15 a.m.

Agenda item 65: Elimination of racism and racial discrimination

(b) Elimination of racism and racial discrimination (A/61/18, Supp. No. 18, A/61/186, 260 and 335)

(c) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/61/337)

Agenda item 66: Right of peoples to self-determination (A/61/333 and 341)

1. **Mr. Mokhiber** (Officer-in-Charge of the New York Office of the United Nations High Commissioner for Human Rights) introduced the following reports under agenda item 65: the report of the Committee on the Elimination of Racial Discrimination (A/61/18), the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/61/186) and the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/61/260).

2. The number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination had reached 172 and the number of States that had accepted the submission of individual communications to the Committee on the Elimination of Racial Discrimination had risen to 49. He reviewed the work of the Committee during its sixty-sixth and sixty-seventh sessions, which had included its adoption of the Declaration on the prevention of genocide and of the General Recommendation on the prevention of racial discrimination in the administration and functioning of the criminal justice system. It had also discussed treaty-body reform and had recommended the establishment of a single body to deal with individual communications.

3. Information on steps taken to implement the Durban Declaration and Programme of Action had been submitted by 24 countries. At the regional level, the European Monitoring Centre on Racism and Xenophobia had reported shortcomings in data collection by Member States, in the recording of incidents and monitoring of progress to overcome obstacles to racial equality in employment, housing and education, and in tackling racist violence. The Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action had recommended that the Committee on the Elimination of Racial Discrimination should conduct a further study on possible measures to strengthen implementation by updating its monitoring procedures.

4. Introducing, under agenda item 66, the report of the Secretary-General on the universal realization of the right of people to self-determination (A/61/333), he said that the General Assembly's request that the Commission on Human Rights should continue to give special attention to the violation of human rights — especially the right to self-determination — resulting from foreign military intervention, aggression or occupation had been referred to the Human Rights Council. The Secretary-General's report (A/61/333) outlined the relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the relevant treaty-based human rights, and the recent United Nations Declaration on the Rights of Indigenous Peoples, adopted by the Human Rights Council at its first session, recognized the right of indigenous peoples to self-determination.

5. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), introducing his report (A/61/335), said that efforts to combat racism, racial discrimination and xenophobia were currently encountering major challenges. He noted the growth of racist and xenophobic violence, including actions by neo-Nazi and nationalist groups, such as the murder in Belgium of a Malian woman and a white child she was accompanying, and that of members of ethnic minorities in the Russian Federation. The legitimization of racism and xenophobia was evident in the increase in racist and xenophobic platforms and, even more alarmingly, their institutionalization through Government alliances with leaders of openly racist political parties, giving the latter access to and control of key ministerial departments.

6. The intellectual and ideological legitimization of racism and xenophobia was manifest in the growing number of publications which, on the pretext of defence of national identity and security, gave a racial slant to economic, social and political problems and was particularly pernicious, since all forms of racism derived, first and foremost, from intellectual and cultural ideas. The concept of freedom of expression

was being given precedence over the other freedoms and constraints set forth in the International Covenant on Civil and Political Rights. The result was open incitement to racial and religious hatred.

7. Another serious trend was the criminalization of immigration and asylum issues, making the immigrant, the asylum-seeker and the foreigner the main victims of racism and xenophobia. There was, also, the growth of defamation of religions, including anti-Semitism, Christianophobia and Islamophobia, and the imbalance between the defence of a secular State and respect for freedom of religion, not to mention the security pretext and the monitoring of religious practice and teaching.

8. The problem currently emerging justified his sounding the alarm, as he had already done, to the General Assembly and the Human Rights Council. The resurgence of racism, xenophobia and intolerance posed the gravest threat to democratic progress and the peaceful coexistence of multicultural societies. It was incumbent on all relevant United Nations bodies to take robust measures to combat racial discrimination. His recommendations contained in the report before the Committee and in his previous reports were intended to contribute to that obligation.

9. His main proposals touched on the need for the political will to combat the legitimization of racism, xenophobia and intolerance, as well as racist and xenophobic platforms, and for Member States to recommit to the Durban Declaration and Programme of Action, implementation of which should be assessed at a series of regional conferences, involving all stakeholders, that would also develop specific regional programmes. He further recommended that treatment of matters relating to immigration, asylum and foreign and ethnic minorities should be anchored in international law and the relevant international human rights instruments.

10. Democratic, egalitarian and interactive multiculturalism should be based on two connected ideas: promotion of dialogue and mutual understanding among communities, boosted by the promotion of cultural, ethnic and religious diversity. Systematic efforts were needed to counteract racial and religious hatred, to find a careful balance between a secular State and freedom of religion and to recognize the complementarity between freedom of expression and freedom of religion. Highlighting concerns about racism in sports, especially football, he congratulated the German Government on its political resolve to control the situation during the recent World Cup event, at which no racist acts or incidents had been reported.

11. During his visits to Member States, he had found that, while the economic, social and political weight of racism was very present in Brazil, the Government had demonstrated the political will to combat those problems. In Switzerland, the impact of xenophobic political platforms and the criminalization of some aspects of immigration and asylum were major obstacles to a multicultural Swiss society. An insular and hierarchical society in Japan did not recognize its racist and xenophobic history and resisted growing multiculturalism, while in the Russian Federation the growth of racist and xenophobic violence posed a very real threat to democracy. In Italy, however, the current Government had taken various measures to reverse the legal and political xenophobic heritage bequeathed it by its predecessor. The new legislation on nationality and the creation of ministerial departments for solidarity and equal opportunity should end the criminalization of immigration and asylum and promote a more human rights based approach to migration.

12. **Ms. Halabi** (Syrian Arab Republic) particularly commended the Special Rapporteur on his report on the situation of Muslim and Arab peoples in various parts of the world (E/CN.4/2006/17) and the difficult challenges they had had to face since 11 September 2001. She endorsed his views on the importance of political will and the need for States to respect multiculturalism, refrain from linking the fight against terrorism to the religion of Islam, and balance freedom of expression and freedom of religion.

13. She wondered whether the Special Rapporteur could suggest a solution to the situation in which States claiming to be democratic without respecting democracy had never implemented his recommendations with the result that, five years after the Durban Conference, its recommendations were still ignored. And yet such States invoked human rights simply to create a standardized, uniform society, which merely resulted in increased racism and xenophobia instead of overcoming those evils.

14. **Ms. Kalamäki** (Finland), speaking on behalf of the European Union, reiterated its firm commitment to combating racism, xenophobia and intolerance. The

fight against all forms of discrimination posed a serious challenge that called for national, regional and international action. She asked what important short-term and long-term measures Member States could take to strengthen the link between the fight against racism and the construction of egalitarian, democratic and interactive multiculturalism. She would also like to know whether the Special Rapporteur had noted any positive developments regarding impunity for acts motivated by racism, to which he had referred in his report (A/61/335, para. 2).

15. **Mr. Al-Muqhim** (Saudi Arabia) said that respect for human rights must go hand in hand with visible neutrality. The individual became the victim of political interests when human rights were used for political ends. Since respect for human rights was necessarily linked to an individual's economic and social development, the developed countries that were in a position to do so should take steps to bridge the development gap between the developed and developing countries in order to meet essential human needs and enable individuals genuinely to enjoy their human rights.

16. One of the principles of respect for human rights was respect for each society's cultural, social and religious characteristics. Politics should not be used as a pretext for interference in the private aspects of a society in order to impose ideas that excluded those who were different. Any debate on the issue must stress the need to highlight common human principles; despite religious, cultural and national differences, all human beings shared a host of characteristics, and dialogue could help bridge the gap that separated them. He would like to know what measures had already been taken along those lines in order to eradicate contemporary forms of racism, xenophobia and intolerance.

17. **Mr. Nikiforov** (Russian Federation) said that racism currently affected virtually all societies, including the most developed. His Government recognized the need to combat racism and was open to dialogue and cooperation with international human rights mechanisms, as had been shown in June 2006 during the visit by the Special Rapporteur to the Russian Federation. Upon request, his Government had submitted supplementary information, including on federal and regional programmes to combat racism and intolerance. He recalled the Special Rapporteur's statement in the Human Rights Council that the Russian Federation did not have any Government-sponsored policy of racism. His delegation would consider carefully the Special Rapporteur's recommendations and take steps to resolve any remaining issues.

18. Given the growth of racism in the world, his Government was taking steps to adapt its legislation to current realities. It had also put forward a draft resolution on the issue before the Committee and would be doing so again at the current session. Lastly, the Special Rapporteur's recommendations were in line with the measures currently being taken by the Russian Federation.

19. **Mr. Takase** (Japan) said that his delegation fully shared the concerns expressed by the Special Rapporteur regarding violence, xenophobia and racism. His Government had welcomed the visit of the Special Rapporteur to Japan. Concerning the report on the mission to Japan (E/CN.4/2006/16/Add.2 and Corr.1), he drew attention to the detailed comments in the note verbale dated 30 May 2006 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights (A/HRC/1/G/3). With respect to multiculturalism in Japanese society, his Government was actively pursuing the goal of ensuring equal rights and opportunities for aliens and promoting mutual understanding. Japan had also taken several initiatives to engage in dialogue among various civilizations, which his delegation had outlined in its statement before the plenary General Assembly under agenda item 44: Culture of peace.

20. **Mr. Cumberbatch Miguén** (Cuba) said that the item under consideration was of vital importance and highlighted the difficulties of coexistence. Paragraph 22 of the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/61/335) referred to a number of activities and views with respect to persons of African descent in Latin America. His delegation would like to know the Special Rapporteur's views on the proposal submitted by the Caribbean Community (CARICOM) to commemorate in 2007 the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade (A/61/233, annex II) and what activities might be organized to draw attention to the historical significance of that anniversary.

21. **Mr. Afifi** (Egypt) said that the interim report of the Special Rapporteur was straightforward and daring. The Egyptian delegation shared his vision, especially as expressed in paragraph 15 of the interim report, which rejected the claim that the crisis over the Danish caricatures of the Prophet Muhammad published in the Danish newspaper *Jyllands-Posten* on 30 September 2005 could be reduced to an insurmountable conflict between Western civilization and the Islamic world. His report on the situation of Muslim and Arab peoples in various parts of the world (E/CN.4/2006/17) also contained important recommendations on which the international community must work, especially on the issue of multiculturalism. He would like to know where the precise demarcation line existed between offences of racism and religious intolerance as well as freedom of expression and defamation of religion. The Special Rapporteur had clearly stated that many of those offences were committed in democratic societies, which meant that democracy alone was not sufficient to combat intolerance. There was a need for an educational, ethical and legal framework to address the issue.

22. **Mr. Alakhder** (Libyan Arab Jamahiriya) said that the presentation and interim report of the Special Rapporteur were transparent and comprehensive. His delegation welcomed the recommendations on the defamation of religions, anti-Semitism and Christianophobia and, more particularly, Islamophobia. He noted with concern the increasing incitement to religious hatred, including among the media, and attempts to undermine Islam, particularly among younger generations. He would therefore like to know what might be done to teach young people about the true nature of religions to prevent them from engaging in racism and xenophobia. He would also appreciate hearing the views of the Special Rapporteur on possible measures to address abuses by the media in the context of freedom of speech.

23. **Ms. Bowen** (Jamaica) said that the interim report of the Special Rapporteur was very timely. She drew attention to a draft resolution on the commemoration in 2007 of the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade (document A/61/233, annex II) which CARICOM was submitting to the Assembly. Slavery had had a very serious impact on the lives of many in the Caribbean and elsewhere. The issue of compensation and apologies for that crime remained outstanding. She would therefore welcome any information on any efforts by countries responsible for that serious breach of human rights to redress the situation and compensate the victims.

24. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that there had been a recent increase in racist and xenophobic violence. Racist murders were occurring in Europe, Africa and elsewhere and their perpetrators were claiming responsibility for them. There was a need to consider the ideological, political and cultural context of such persons and to explain the behaviour of perpetrators of hate crimes such as the one which had occurred in May 2006 in Belgium, where a woman of Malian origin and the child for whom she was caring had been shot dead. Before the perpetrator had gunned down the woman and the child, he had allegedly shot a woman of Turkish origin, leaving her critically injured.

25. One reason for such acts was the increasingly widespread acceptance of racism and racial and religious hatred. Racism, xenophobia and racial and religious hatred attracted votes. They underpinned political platforms in the guise of efforts to combat illegal immigration and terrorism. The negative effects of such platforms were compounded by what might be termed the democratization of racism, whereby extreme right parties in Government coalitions entered political office in many countries by democratic and legal means. In such countries, the leaders occupied strategically important positions such as the Ministry of Justice, which dealt with immigration issues, or the Ministry of Education, which affected ways of thinking. Not only were parties openly promoting racist, xenophobic or anti-religious platforms, they were in a position to translate those platforms into national legislation. He had therefore put forward recommendations to address that problem.

26. A second cause of increasing racism, xenophobia and religious intolerance was the rejection of diversity. The growing multicultural nature of societies everywhere, which was a dynamic driving force, was being strongly resisted by social groups and political officials who were clinging to a rigid sense of identity based on a single ethnicity or religion. Racism must be combated through the law and international instruments, particularly the Durban Declaration and Programme of Action. Those efforts, however, must also involve the long-term construction of multicultural, democratic, egalitarian and interactive

societies. It was therefore crucial to promote mutual understanding among various ethnic communities. Furthermore, the educational system and news media had a role to play in overcoming the profound ignorance about other communities.

27. Concerning the deep historical roots of racism, the concept of racism against blacks had arisen during the era of slavery. The notion of cultural and biological inferiority had been devised at that time to legitimize the sale of Africans as goods. By legitimizing that economic practice, European intellectuals and some Enlightenment figures had developed the idea of the ethnic and cultural inferiority of blacks and demonization of other civilizations. Therefore, as suggested by the Cuban delegation, attention must be given to the history of slavery. The draft resolution put forward by CARICOM was therefore welcome. He regretted that many African countries had not followed France's example and enacted legislation which declared slavery to be a crime against humanity. Such legislation was recognition that what had occurred to black slaves affected all of humanity.

28. The link between racism and religion was a serious problem. Since 11 September 2001, new forms of discrimination had arisen owing to the conflation of race, culture and religion. Victims of racist and xenophobic acts had been identified by their clothing, beards, veils, hairstyles and other external religious signs. Such religious intolerance was another form of deep-set rejection of diversity. Perhaps even more serious was that the world was witnessing such acts against the backdrop of a rise in what might be termed dogmatic secularism, which fostered suspicion of religious belief.

29. As the debate concerning the Danish caricatures had shown, ideological posturing must be avoided. The caricatures had demonized Islam and associated it with violence. Such a negative image of Muslims went far back in history, dating from the first years of contact between Islam and the West. Underlying the cartoons was a cold-war ideology and a caricatural and Manichean view of the world, in which Europe was the defender of freedom of expression and the rest of the world the defender of freedom of religion. The international covenants on human rights showed, however, that those freedoms were complementary.

30. The media were both the problem, as in the case of the Danish caricatures, and the solution. Every time the media combated discrimination and xenophobia, their efforts had been effective. Some news outlets had refused to reproduce the caricatures, because they were aware that they violated the freedom of religion of other communities. Dialogue among cultures and civilizations was a long-term response to racism and xenophobia. Given that all societies were multicultural, intercultural and inter-religious dialogue were above all internal matters. The way in which Governments treated immigrant populations, asylum-seekers and religious minorities sent a message to other countries about their respect for other religions.

31. The Russian Federation had been the site of violent racist acts. A fellow Senegalese had been killed in Saint Petersburg. A week before his arrival in the country, however, the perpetrators of the crime had been arrested, which meant that impunity among neo-Nazi and racist groups no longer existed. The elections in Antwerp had marked another positive development: an openly racist movement had been defeated at the polls, because the Belgian press had mobilized against extremism and immigrants had exercised their right to vote.

32. **Mr. Lauber** (Switzerland) said that his delegation welcomed the work and interim report of the Special Rapporteur, who had visited Switzerland in January 2006. His Government had seen only the preliminary note on his mission to Switzerland (E/CN.4/2006/16/Add.4) and was awaiting his final report to respond to his comments. He thanked the Special Rapporteur for his observations and analysis of the situation in Switzerland, where, as elsewhere, problems related to racism and xenophobia continued to exist. His Government was engaged in a wide range of activities to implement the Durban Programme of Action, whose importance it recognized fully, through, inter alia, the Service for Combating Racism of the Federal Department of the Interior and other authorities.

33. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) commended the openness and full cooperation of the Swiss Government. He had been able to meet with all of the officials whom he had wished to see and to visit prisons to ascertain their demographic, cultural and ethnic composition. In his preliminary note, he had referred to the mechanisms to combat racism such as the Service mentioned by the representative of Switzerland. The men and women

working in such institutions were very committed to their work. At the same time, he had stressed the growing role in some political platforms of xenophobic rhetoric.

34. **Ms. Tincopa** (Peru) stressed that indigenous peoples were among those most vulnerable to racism. They had been discriminated against throughout history and experienced intolerance. Her delegation appreciated the positive steps taken to implement the Durban Declaration and Programme of Action and the adoption of other international instruments to protect the most vulnerable groups. She would like to hear the views of the Special Rapporteur on the Declaration on the Rights of Indigenous Peoples and on whether it would help to ensure the recognition of indigenous peoples and to combat discrimination, exclusion and intolerance.

35. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that indigenous peoples had been the first victims of discrimination and racism. The extermination of the indigenous peoples in the western hemisphere had led to the creation of the African slave trade. The two phenomena were therefore linked. Furthermore, the intellectual arguments for xenophobia and racism had developed in relation to indigenous peoples. Europeans had debated whether such peoples possessed a soul or were real human beings. Racism against indigenous peoples, like racism against African slaves, had formed the foundation of the building of societies in the hemisphere. Therefore, a renewed and specific declaration on indigenous peoples would without a doubt be useful. The document, however, must be of a legal nature and underline the role of political will.

36. **Mr. Degia** (Barbados), referring to paragraph 22 of the Special Rapporteur's report (A/61/335), said that the situation related to African descendants not only in South America, but also in Central and North America and the entire Caribbean region. He stressed the importance of the draft resolution on the commemoration of the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade, and asked the Special Rapporteur if he could comment on the issue of reparation, apology, redress and compensation, within the context of his mandate.

37. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that reparation was a legitimate principle, as any negative act committed against a community or an individual created legal grounds for reparation. Just as slave owners had received financial and material reparation for the loss of their "working tool" when slavery had been abolished, so descendants of indigenous communities and African slaves were legally entitled to reparation for the injury committed against their ancestors.

38. The concept of reparation should extend beyond mere monetary compensation, which was difficult to calculate, and take into account the moral recognition that slavery was a crime against humanity, and the fact that the African slave trade affected all other communities, as recognized in the Durban Declaration and Programme of Action. Reparation should also entail the review and amendment of history textbooks worldwide, to take into account the tragedy of slavery, and a consequent update of historical, cultural and religious contributions. Accurate remembrance was more important than monetary compensation, as that would enable persons of every creed and colour to recover their shared history. Lastly, it was important to mark areas where slave trade had occurred, for example with monuments or cemeteries. He would stress those points in subsequent reports.

39. **Ms. Benavides** (Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination) introduced the Group's report (A/61/341), and stressed two elements in its new mandate: to monitor and highlight the effects of the activities of private companies offering military assistance, consultancy and security services on the international market on the enjoyment of human rights. The Working Group continued to advocate amending the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to include a new definition of a mercenary and mercenarism, and strengthening the international legal framework for the prevention and sanctioning of the recruitment, use, financing and training of mercenaries. The Working Group continued in its consultations with a variety of actors on possible new standards, general guidelines or basic principles on those issues.

40. She reviewed information on the existence of links between the activities of private military and security companies (PMSCs) and groups of

mercenaries, highlighting the documented events that had taken place in various countries such as Equatorial Guinea and Papua New Guinea and the human rights violations allegedly perpetrated in the Abu Ghraib prison in Iraq. It had information that some refugee camps in West Africa had become centres of recruitment for mercenaries, specifically in the context of the conflict in Côte d'Ivoire. There was also a link between the activities of mercenaries and PMSCs and the exploitation of natural resources, which tended to perpetuate armed conflicts.

41. She noted the increasing phenomenon of outsourcing by States of their military and security functions to private companies, and was particularly concerned that some PMSCs were committing human rights violations with impunity. Such situations were often associated with the creation by transnational companies (TNCs) of satellite subsidiaries with legal personality in one country, providing services in another and recruiting personnel from third countries. However, PMSCs and their employees were a gray area not specifically covered by the 1989 Convention. That demonstrated the need for appropriate international and national regulation, control and monitoring of the activities of those security companies, including registration and licensing.

42. The Working Group welcomed the adoption of a Model Law of the Commonwealth of Independent States (CIS) on counteracting mercenarism, emerging legislation in South Africa, and an initiative by the Swiss Federal Council and the International Committee of the Red Cross (ICRC) to provide a legal framework and promote multilateral dialogue on the need to regulate the activities of PMSCs. She also emphasized the Working Group's preliminary recommendation for Governments to establish regulatory mechanisms for the registering and licensing of PMSCs.

43. In connection with the contracting of Latin American personnel to work in military operations in Iraq and Afghanistan, information received by the Working Group indicated irregularities of contracts, harsh working conditions, partial payment or non-payment of remuneration, ill-treatment and isolation, and lack of basic necessities such as medical treatment and sanitation.

44. The Working Group would provide a report on its visits to Honduras and Ecuador at the upcoming session of the Human Rights Council, and welcomed the invitation from Peru, which it would visit in early 2007. She called on other States to also extend such invitations.

45. She invited Member States which had not yet done so to consider signing and acceding to the 1989 Convention and to ensure relevant constitutional and legislative protection at the national level. She recommended the application of the draft Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights to PMSCs operating and providing military and security services in more than one country or as a cluster of economic entities operating in two or more countries. The Working Group had also noted the growing body of jurisprudence concerning the direct applicability of international law to private actors.

46. Following the recommendation of the former Special Rapporteur on mercenaries (A/60/263), she urged States to consider convening a high-level round table under the auspices of the United Nations, and in that regard welcomed the expressed willingness of Armenia, Costa Rica, Ghana, Honduras, Lebanon, Morocco, Mexico and Venezuela to host preparatory regional round tables. She welcomed the Cuba-sponsored draft decision that had been circulated during the second session of the Human Rights Council (A/HRC/2/L.19) and urged Member States to consider the possibility of the Working Group holding three sessions a year and to provide it with the necessary resources to that end.

47. **Ms. Moreira** (Ecuador) said that the phenomenon of the contracting of Latin American mercenaries was the consequence of globalization and the fight against terrorism, which flouted human rights standards and was based on unilateral measures. The mercenaries recruited from a number of countries in the fight against terrorism had irregular contract terms. Her Government was committed to strengthening its legislation in that regard, as recommended by the Working Group. She asked the Chairperson of the Working Group how Latin American countries could, as a region, strengthen their efforts to combat that new trend which impeded the rights of peoples to self-determination.

48. **Ms. Benavides** (Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination) stressed the

importance of expanding the mandate of the Working Group to include a study of the effects of the activities of PMSCs, especially given the growth of those companies in the past ten years.

49. Mercenarism had emerged mainly as a consequence of globalization and privatization. Member States should reflect on the monopolization of the use of force, the consequences of outsourcing to private companies and measures to make such companies accountable when they committed violations, with a view to establishing a legal framework for regulating activities not covered by the traditional definition of mercenarism. That definition needed updating. She reiterated the need for ratification of the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries and consideration of the possibility of amendments and of an optional protocol to take into account the new modalities of modern-day mercenarism. Lastly, Member States should have very clear domestic legislation for PMSCs to prevent human rights violations.

50. **Mr. Gala López** (Cuba) said that, as mercenary activities were increasing, so were violations of the rights of peoples to self-determination. In that connection, he reiterated his delegation's strong support for the mandate of the Working Group and for expanding it, as suggested. His delegation also endorsed the proposal for holding a high-level round table meeting. He asked the Chairperson of the Working Group what sub-themes, aside from that of the definition of mercenarism, should be priorities of that high-level meeting.

51. **Ms. Benavides** (Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination) said that the Working Group had put forward a number of suggestions regarding issues to be discussed by the high-level policy round-table on the role of the State as holder of the monopoly on the use of force.

52. In addition to considering a legal definition of the terms "mercenary" and "mercenarism" and defining mercenary-related activities, the round table might examine the extent to which States were prepared and able to cede the monopoly on the use of force to non-State actors. In considering the implications of such action, it was important to define the responsibilities, obligations and limitations of non-State actors with regard to human rights, and to consider the situation of human rights violations in the context of globalization, nationalization of companies and transnational corporations, given that, as a result of globalization, some transnational corporations wielded even greater power than States and must therefore be regulated and monitored. The round table could also address issues relating to respect for national sovereignty.

53. The Working Group would work closely with the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination and with other special rapporteurs to address those issues. It also hoped to continue and broaden its dialogue with all Member States. Consultations among States and with other actors would be extremely helpful in drawing conclusions, and many institutions, universities and academic centres were also helping the Working Group in its work. All viewpoints, suggestions, comments were welcome, since they would help shape the agenda for the round table.

54. The Working Group had asked the General Assembly to consider the possibility of allowing it to hold three sessions a year in order to address the issue in greater depth.

55. **The Chairman** invited the Committee to begin its general discussion of the agenda items.

56. **Mr. Maqungo** (South Africa), speaking on behalf of the Group of 77 and China, welcomed the reports of the Secretary-General on agenda item 65 and the useful information and recommendations they contained, and noted with satisfaction that Governments had taken major steps to combat racism, racial discrimination, xenophobia and related intolerance. However, it was regrettable that lack of political will to advance the objectives of the Durban Declaration and Programme of Action continued to hamper efforts to combat those phenomena effectively. Such political inaction was conducive to the emergence of dangerous political platforms that pandered to racist and xenophobic tendencies in national election manifestos. Implementation of the Durban Declaration and Programme of Action had thus given way to political expedience, resulting in a resurgence of racism in many parts of the world.

57. It was therefore vital to take prompt and decisive action to address the challenges posed by racism and

its attendant ills. To that end, the Group of 77 and China called for the adoption of a process to review the Durban Declaration and Programme of Action with a view to bringing the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance into line with other major United Nations conferences, focusing on present-day racism, xenophobia and related intolerance. It hoped that the General Assembly, at its current session, would adopt the mechanism proposed by the Group of 77 and China in its draft resolution under the agenda item.

58. The Group greatly appreciated the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and urged all Member States to cooperate closely with the Special Rapporteur.

59. It was of great concern that, in the wake of the events of 11 September 2001, Islam had come to be equated with terrorism, which had fuelled racial and religious intolerance in the form of discrimination and xenophobia against Muslim and Arab peoples. In the political climate that had emerged, intolerance had been allowed to masquerade as freedom of expression and human rights were being violated in the name of combating terrorism. The international community must make every effort to combat all forms of defamation of religion. While freedom of expression remained a valuable component of democratic society, its exercise should not infringe the rights of others.

60. It was deeply troubling that racism in sport persisted, particularly since sport was an important means of promoting social integration and friendly relations among nations. The Group of 77 and China endorsed the view that international sporting bodies should be encouraged to implement and expand programmes to combat racism in sport, particularly in football, and hoped that those programmes would be implemented promptly and with the full support of Governments. It also hoped that the Fédération Internationale de Football Association (FIFA) would continue its efforts to promote a world of sport free of racism and racial discrimination.

61. Regarding slavery, the slave trade and other forms of servitude, the Group of 77 and China supported the CARICOM proposal for a commemoration of the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade.

62. The Group of 77 and China was fully committed to the implementation of the Durban Declaration and Programme of Action, and supported the outcomes and recommendations of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Working Group of experts on people of African descent and the Group of Independent Eminent Experts on the implementation of the Durban Declaration and Programme of Action.

63. Humankind could not allow racism, racial discrimination, xenophobia and related intolerance to continue unabated. The Group of 77 and China therefore called upon the international community to summon the political will to implement the Durban Declaration and Programme of Action fully and effectively.

64. **Ms. Lintonen** (Finland), speaking on behalf of the European Union, said that the acceding countries Bulgaria and Romania, the candidate countries Croatia, Turkey and the former Yugoslav Republic of Macedonia, the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia, and, in addition, the Republic of Moldova aligned themselves with her statement.

65. The fight against racism and racial discrimination formed part of both the internal and the external policy of the European Union, and any breach of the principles of equal rights, equal dignity and respect for diversity was incompatible with the Union's core values.

66. The European Union therefore called upon States that had not yet done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, to implement its provisions as a matter of priority and to adopt effective measures at the national level to combat the causes and symptoms of racism and racial discrimination. It also urged all States to cooperate fully with and support the Committee on the Elimination of Racial Discrimination, the Office of the High Commissioner for Human Rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in their valuable work towards eliminating racism at the global level.

67. Attacks and assaults resulting from intolerance based on cultural, ethnic or religious diversity were wholly unacceptable. The European Union was

committed to eliminating racial discrimination both in society and in politics and to promoting respect for human rights and fundamental freedoms.

68. The European Union welcomed the adoption of the Declaration on the Rights of Indigenous Peoples, and urged Governments and indigenous peoples to work closely to achieve the objectives set out in that document.

69. Counter-terrorism presented new challenges in ensuring respect for human rights, the rule of law and democratic principles. In particular, it was vital to ensure that counter-terrorist policies did not associate certain sectors of society with terrorism, which served only to create suspicion, mistrust and hostility. Efforts to eliminate those tensions called for global understanding and cooperation, and the fight against terrorism must be conducted in full compliance with international human rights law, including international standards relating to non-discrimination.

70. The European Union was deeply concerned by continuing intolerance and violence directed against members of religious communities around the world, and condemned all forms of intolerance and discrimination based on religion or belief. In that regard, it urged States to ensure that their constitutional and legislative systems provided adequate and effective guarantees of freedom of thought, conscience, religion and belief.

71. It was vital to integrate a gender perspective into the development of policies against racism in order to ensure that those policies addressed the diverse situations of women and men effectively. In that regard, the European Union hoped that the proposed European Institute for Gender Equality would be established as soon as possible.

72. Prevention, education and awareness were key tools in promoting tolerance and respect for diversity, human dignity and human rights, and effective political measures could prevent the spread of racist ideologies. In that regard, it was important to prevent the misuse of the media to disseminate racist messages.

73. The European Union was implementing various measures at the Union level and at the level of its member States to combat racism, racial discrimination, xenophobia and related intolerance. The Union's core activities in 2007, which had been declared the European Year of Equal Opportunities for All, would be based on the themes of rights, representation, recognition and respect. The main objective of those activities was to launch a major debate on the benefits of diversity and to raise awareness regarding rights to equal treatment and a life free of discrimination, not only among the general public but among individuals and groups that were the targets or potential targets of discrimination. Hundreds of activities, including campaigns, surveys and conferences, were planned at both the European Union and the national levels. It was hoped that those events and activities would enhance mutual understanding, tolerance and respect through active participation in events organized by individuals, groups, civil society organizations and national authorities, and encourage the Governments of European Union member States to draw up national legislation on measures to strengthen efficiency in combating racism, racial discrimination, xenophobia and related intolerance.

74. The European Union welcomed the valuable work of the European Monitoring Centre on Racism and Xenophobia, and hoped that the Centre would develop its activities further.

75. The European Union was engaged in active, valuable and effective cooperation with regional institutions and organizations in the fight against racism and discrimination, including the Organization for Security and Cooperation in Europe and the Council of Europe. Dialogue, understanding and cooperation among all actors could free societies from intolerance and discrimination and help foster the promotion of human rights, dignity and equality. The European Union therefore urged all States to redouble their joint efforts to promote tolerance and non-discrimination, a challenge that the international community must address together.

76. **Mr. Chidyausiku** (Zimbabwe), speaking on behalf of the Southern African Development Community (SADC), associated the Community with the statement made by the representative of South Africa on behalf of the Group of 77 and China.

77. The recommendations set forth in the reports of the Secretary-General on the agenda item provided a useful basis for progress in the fight against racism, racial discrimination, xenophobia and related intolerance.

78. The member States of SADC had drawn many lessons from the experience of enduring, fighting and

defeating apartheid, and were determined to address all remaining vestiges of racism, as well as contemporary forms of the phenomenon. While, to that end, they had instituted laws against racism and racial discrimination, they recognized that legal provisions alone did not provide adequate or comprehensive solutions. The elimination of racism must entail equitable distribution of economic, social and cultural resources in order to ensure social justice and equality and to promote equality of opportunities.

79. While the target of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by 2005 had not been achieved, SADC remained hopeful that more countries would ratify the Convention, of which the majority of its member States were signatories.

80. SADC noted with satisfaction that a number of countries had developed action plans to combat racism in accordance with the Durban Declaration and Platform for Action, and hoped that many more would do likewise. It also welcomed the adoption by the Working Group of experts on people of African descent of a three-year programme of work, and the development by the Working Group of mechanisms for the implementation of its mandate. However, it was worrying that the Working Group remained underfunded, and urged that efforts be undertaken to rectify that situation. It was also regrettable that the Group of Independent Eminent Experts on the implementation of the Durban Declaration and Programme of Action had not met during the reporting period, and SADC hoped that that would not hinder progress in the implementation of the Durban Declaration and Programme of Action.

81. SADC fully supported the proposal to commemorate the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade and to place that issue on the agenda of the General Assembly at its sixty-first session.

82. The resurgence of racism, racial discrimination and xenophobia and numerous emerging reports of racial profiling were deeply troubling. The use of race to influence police, immigration, airport security and other procedures constituted a serious violation of human rights and could not be justified under any pretext. Governments should do more than simply enacting legislation in order to provide satisfactory and consistent protection against profiling, and should demonstrate firm political will to combat such profiling and all other forms of racism.

83. SADC deplored the continuing manifestations of racism in sport, and commended the efforts undertaken by the Fédération Internationale de Football Association (FIFA) to combat that phenomenon. In that regard, it supported the recommendation of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance that FIFA should implement and expand programmes to eliminate racism, and hoped that other sporting bodies would do likewise.

84. SADC was convinced that implementation of the Durban Declaration and Programme of Action would help to create a world free of racism and racial discrimination, and therefore joined calls for the adoption by the General Assembly of a process to review that instrument.

85. **Mr. Ali** (Sudan) said that racism and xenophobia were on the rise and called for redoubled efforts to implement the Durban Declaration and Programme of Action. Discrimination against refugees and migrant workers was also increasing despite international efforts to improve their human rights situation. To make matters worse, groups advocating racism were using modern means of communication such as the Internet to disseminate their despicable ideas.

86. His country agreed with the African Union that the right of self-determination applied only to peoples who had suffered from imperialism or foreign occupation. Incorrect interpretations of that right were a great threat to regional and international peace and stability, and the Sudan was committed to ensuring that the right of self-determination was not used as a pretext for interfering in the internal affairs of States or infringing their sovereignty. His delegation called for attention to be paid to the suffering of the Palestinian people under Israeli occupation and for implementation of United Nations resolutions calling for an independent State in Palestine with Jerusalem as its capital.

The meeting rose at 1 p.m.

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Chairman: Mr. Rachkov (Vice-Chairman) ..... (Belarus)

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In the absence of the Chairman, Mr. Rachkov (Belarus), Vice-Chairman, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 65: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/61/18, A/61/186, A/61/260 and A/61/335)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/61/337)

Agenda item 66: Right of peoples to self-determination (*continued*) (A/61/333 and A/61/341)

1. **Mr. Afifi** (Egypt) said that, despite the efforts made since the adoption of the Durban Declaration and Programme of Action, there were alarming indications of a rise in racism, racial discrimination and xenophobia, including a gradual increase in ultra-nationalist, extremist and racist movements. The line between combating terrorism and unwarranted discrimination against peoples on a religious and racial basis was becoming blurred, and any attempted justification of such discrimination must be confronted. The most worrisome recent trend was the rise of xenophobia among well-rooted democracies that traditionally had placed human rights at the top of their political and social agendas. In the view of his delegation, some controls should be placed on mass media to prevent them from advocating for racism, xenophobia and religious hatred.

2. It was not possible to discuss racism, racial discrimination and intolerance without mentioning what the Palestinian people were being subjected to on the basis of religion and ethnicity. The continuing construction of the separation wall was an illustration of Israeli actions that undermined the unity of the Palestinian people and their national identity.

3. **Mr. Akram Zaki** (Pakistan) said that the recent report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the situation of Muslims and Arabs in various parts of the world (E/CN.4/2006/54) had noted with concern the legitimization of the racist and xenophobic ideology of extreme right-wing parties for political ends. It was ironic that, since the 2001 Durban World Conference, racial discrimination had gained new political legitimacy in the guise of defending national identity, promoting national preference and combating illegal immigration. The growing political acceptance of racism in many democratic societies had resulted in the erosion of fundamental values and was shaking the very foundations of the democratic system.

4. Despite assurances to the contrary, Islam continued to be identified with terrorism and Muslims continued to be viewed as a security problem, even in historically tolerant Western countries. Hate speech against manifestations of religious and cultural practices must be condemned with the same zeal with which the fight against terrorism was being pursued. The defamation of Islam was the most conspicuous demonstration of contemporary racism and intolerance. Unfortunately, the usually vocal defenders of religious tolerance and non-discrimination — the United Nations, human rights officials and liberal politicians — had been deafening in their silence. There seemed to be a notion that innocent people could be held accountable and victimized for the actions of terrorists just because they shared the same religious beliefs. All religious profiling should be outlawed and Governments should be obliged to ensure the safety of men and women who were being persecuted for the crimes of others.

5. **Mr. Gala Lopez** (Cuba) said that democracy, human rights and true freedom could not coexist with racism, racial discrimination and xenophobia. Yet in many developed countries, right-wing parties had gained power and, after the tragic events of 11 September 2001, the trend towards a xenophobic and anti-immigrant agenda had been reinforced. New manifestations of racism could be seen, ranging from increased restrictions on entry into those countries to racism in sport, especially football. In the United States of America, neo-Fascist organizations were thriving and, although the country had been built by millions of immigrant workers, it was building a wall against them on its southern border. His delegation thus called for immediate implementation of the Durban Declaration and Programme of Action.

6. The right of peoples to self-determination was being violated by the policies of domination and control of developing countries and theories alleging a right to humanitarian intervention. Cuba demanded an immediate withdrawal of Israeli forces from all occupied Arab territories, including Palestine and the Syrian Golan. It also supported the right of the people

of Puerto Rico to self-determination and hoped that they could join the community of nations free of the scourge of colonialism. The United States naval base at Guantánamo, notorious for the torture committed there, was a violation of his country's independence, sovereignty and territorial integrity, and his Government would continue to demand the devolution of that part of its territory that had been illegally usurped.

7. The right of self-determination of peoples mainly in the South faced challenges from a hegemonic power that claimed the unilateral right to launch pre-emptive attacks on any country on the planet. Cuba knew that superpower well, after almost five decades of confrontation and threats. That country continued to impose its blockade on Cuba, but the Cuban people had vowed to defend their right to self-determination until their last drop of blood, and were confident that they would prevail.

8. **Mr. Guo** Jiakun (China) said that racism and racial discrimination were serious violations of human rights, and courage and political will were needed to deal with them on a priority basis. The implementation of the Durban Declaration and Programme of Action had not been completely successful, and his delegation called for a review of its implementation. The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/61/335) described ominous trends in rejection of pluralist cultures and spreading of Islamophobia, especially in developed countries.

9. Self-determination was a sacred right, and the international community must fully respect the Charter of the United Nations by protecting and promoting that right through peaceful dialogue. His delegation supported the right of the Palestinian people to self-determination and hoped that a just solution could be found that would bring durable peace to the Middle East.

10. **Mr. Llanos** (Chile) said that efforts to combat discrimination and exclusion were among the five priority areas identified by the Government under President Michelle Bachelet and he outlined some of the initiatives taken by the Government to that end and to build a more democratic and egalitarian society in Chile.

11. With regard to indigenous peoples, the historical truth and reconciliation commission had issued its report, which served as the basis for the development of a reconciliation policy that reflected the culturally diverse nature of Chilean society. New legislation was being developed to prevent and eliminate all forms of discrimination and International Indigenous Women's Day, International Day for the Elimination of Racial Discrimination and International Day for Tolerance were all commemorated during the year.

12. On the international scene, Chile had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It would continue to support the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the development of an inter-American convention against racism and all forms of discrimination and intolerance through the Organization of American States (OAS).

13. **Mr. Nikiforov** (Russian Federation) said that combating racism was a priority for the United Nations. Noting that, in the past, the dangers posed by racism and related phenomena had been underestimated, with sometimes tragic consequences, he expressed concern at increasing calls in various parts of the world to re-examine World War Two and rewrite history. It was also worrying that, in some countries which considered themselves democracies, the anniversary of the liberation from fascism was considered a day of mourning, and those who had engaged in armed struggle against Nazism were the objects of criminal prosecution.

14. Accordingly, a clear message must be sent by the entire international community to those who made dubious use of history, hoping to achieve political gain from the bones of tens of millions of victims who had been annihilated in the name of theories of racial superiority. In that context, a current priority was the development of a clear strategy of united action to implement the outcome of the World Conference against Racism, held in Durban in 2001.

15. At the initiative of the Russian Federation, an important resolution entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" had been adopted during the sixtieth session. The decision of certain States, including some who had been members of the anti-Hitler coalition, to abstain from a vote on the resolution, had been extremely surprising. Noting that

a resolution of the same name would be introduced by the Russian Federation during the current session of the General Assembly, he hoped that those States would amend their position and support the initiative, which was thematic, rather than country-based.

16. The practices condemned in the resolution were among the most pernicious forms of racism and intolerance, which, as stressed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, remained common all over the world. Although Europe had been the cradle of democracy, it had also suffered frequent eruptions of racism, ethnocentrism, anti-Semitism, Islamophobia and other forms of intolerance. That, he suggested, might explain in part why the Western countries and their allies had worked to weaken the text of the resolution. He stressed, however, that the resolution was intended as a basis for cooperation and dialogue and not to call particular States to account.

17. **Mr. Shinyo** (Japan) said that, while some major achievements in combating racism could be seen, such as the abolition of apartheid, new developments such as globalization and the growth in the number of migrant workers were creating situations favourable to the spread of racism.

18. Given the vital role to be played by education in preventing racism, school curricula should foster an understanding of history and culture and teach young people to be receptive to different cultures and social classes.

19. In that context, he reviewed joint measures mounted by Japan and the Republic of Korea and by Japan and China, to promote a better understanding of the history of their region and friendly cooperative relations.

20. Expressing appreciation to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who had visited Japan during the previous year, for his report, he noted, however, that some of the Special Rapporteur's statements lacked accuracy and relevance. The Government of Japan believed that the mandate of the Special Rapporteur should be properly exercised.

21. **Mr. Al Saif** (Kuwait) expressed his concern that some delegations were identifying Islam with terrorism. He agreed with the Special Rapporteur that Islamophobia was more political and ideological than religious in nature and said that Islamophobia and xenophobia, in general, were the result of laws and campaigns aimed at combating terrorism, during which mass media had sown a widespread and unfounded fear of Islam.

22. Kuwait was concerned that the problem of racism had been trivialized by certain extreme-right parties and furthermore that freedom of expression was being used to legitimize racism. Drawing attention to the report of the Special Rapporteur on the situation of Muslims and Arab peoples in various parts of the world (E/CN.4/2006/17), he agreed that the intransigent defence of unlimited freedom of expression was out of step with international norms that sought an appropriate balance between freedom of expression and religious freedom, specifically the prohibition of incitement to religious and racial hatred. He condemned the use of freedom of expression to attack religious convictions.

23. Racism was on the point of becoming the greatest threat to democratic ideals. It was ridiculous to try to interpret the Islamic community's widespread criticism of the defamation of Islam as a simple clash of civilizations, given the obvious deep-rooted multiculturalism of all modern civilizations.

24. **Mr. Omidzamani** (Islamic Republic of Iran) drew attention to Israel's violations of the right of the Palestinian people to self-determination and the massive, well-documented human rights abuses that Israel was perpetrating against them. He noted that the General Assembly and the Human Rights Council had adopted resolutions expressing concerns about those human rights violations, which included collective punishment, confiscation of land, destruction of property, arbitrary arrest of Palestinian officials and other civilians and the destruction of Palestinian infrastructure.

25. In addition, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the occupied Palestinian territories had reported, in his statement to the Human Rights Council in July 2006, that many people in the Gaza Strip were without water and electricity and that food and medicines were scarce. Numerous rounds of artillery had been dropped on Gaza and the people were terrorized by sonic bombs.

26. He called on the United Nations and the Human Rights Council in particular to live up to their responsibilities, take effective measures to put an end to Israeli crimes and provide the Palestinians with protection. The situation was a grave threat to peace in the region.

27. **Mr. Tulbure** (Moldova) said that, while the right of peoples to self-determination was a universally recognized principle of international law, the Vienna Declaration stipulated that self-determination should not be perceived as authorizing or encouraging any action which would impair the territorial integrity or political unity of sovereign and independent States. Accordingly, the principle of self-determination should not be interpreted as constituting a general right of secession.

28. In that context, he noted that influential decisions and documents on self-determination had established that a successful claim for self-determination must show that the secessionists were a people, that the State from which they were seceding had seriously violated their human rights and that there were no other effective remedies under domestic or international law.

29. In the case of Transnistria, none of the above-mentioned conditions had been satisfied. The ethnic makeup of Transnistria was the same as that of the rest of Moldova. The Republic of Moldova was fully committed to the observance of human rights and had implemented international human rights instruments, whereas the Transnistrian region was characterized by a lack of due process, persecution of religious minorities and retaliation against political dissenters.

30. The conflict had become deadlocked not because there were no other options available but because separatists had chosen to make the conflict seem intractable by repeatedly refusing all options short of sovereignty. The Transnistrian leadership had attempted to aggravate ethnic tensions and then had claimed that separation was necessary to avoid ethnic conflict and genocide. Accordingly, the fundamental requirements for a legal claim of secession had not been met.

31. The Transnistrian separatist leaders had recently organized the third referendum on independence since the early 1990s, stating that a referendum showing that the population favoured independence would be legally binding. In such cases, however, it was the central Government which should decide: that was the nature of sovereignty.

32. **Mr. Gregoire** (Dominica), speaking on behalf of the Member States of the Caribbean Community (CARICOM), said that the CARICOM States acknowledged the important work done by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and supported the continuation and expansion of his efforts within the context of the Human Rights Council. They also took note of the important developments outlined in the report of the Secretary-General on the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/61/337).

33. The CARICOM States were actively engaged, within the framework of OAS, in the preparation of a draft inter-American convention against racism and all forms of discrimination and intolerance, which addressed a range of issues across the spectrum of racism and racial discrimination. CARICOM also recognized the initiatives that were currently under way between one Caribbean Non-Self-Governing Territory and its former colonial Power for the repatriation to the Territory of archival material and artefacts, as referenced in General Assembly resolution 60/117. The launching of the first Black Parliament of the Americas to foster representation in the legislative bodies of the countries of the hemisphere was another important development in addressing issues of racism and racial discrimination.

34. He drew attention to the CARICOM initiative to submit a resolution calling for a special event to be held in 2007 marking the 200th anniversary of the abolition of the trans-Atlantic slave trade. Such an event would be consistent with the spirit of the Durban Declaration and Programme of Action and his delegation looked forward to working with all Member States and United Nations organizations to ensure a successful commemoration in 2007.

35. **Mr. Hijazi** (Observer for Palestine) said that the Palestinian people's plight with racism had been going on for almost 100 years, and it had been 58 years since they had been forcibly expelled from their historical homeland. Israel, the occupying Power, had adopted racial discrimination as a doctrine when dealing with the Palestinian people, as evidenced in the way in which it dealt with the right of Palestinian refugees to

return to their homeland. That discrimination was all the more evident when Israel's policies towards non-Palestinians were taken into account. Israel continued to deny those refugees their rights, including the right to return to the homes from which they had been forcibly expelled. In the meantime, it enacted laws granting others the right to a so-called return based on religion and race, granting the right of immigration and citizenship to any person of the Jewish faith born anywhere in the world. Another stark example of the institutional discrimination in Israeli law was the law forbidding Israeli citizens from residing in Israel if their spouses carried a Palestinian identification card.

36. More recently, the Israeli Prime Minister had invited Avigdor Lieberman, Israel's most racist politician, to join the Government as his deputy and Minister of Strategic Affairs. The silence of the international community in that regard was regrettable.

37. The Occupied Palestinian Territory, including East Jerusalem, had been shackled by the Israeli military occupation for the past 39 years. Israel adamantly refused to recognize the applicability of international humanitarian law and human rights law to the Occupied Palestinian Territory, in open defiance of the will of the international community. The notorious Israeli-only road system was part of the institutional discrimination that the occupied Palestinian nation suffered. On illegally expropriated Palestinian land, the Israeli occupation regime had funded and defended the creation of exclusively Jewish settlements, in grave violation of the Fourth Geneva Convention of 1949 and the International Convention on the Elimination of All Forms of Racial Discrimination of 1966, to which Israel was a Party.

38. The colonial wall which Israel, the occupying Power, had erected in the West Bank, including East Jerusalem, was a key example of the Israeli Government's racist ideology of separation and exclusivity and its rejection of the establishment of an independent Palestinian State. The Wall also stood as disgraceful evidence of the inability of the international community to apply and ensure respect for international law.

39. There was no worse manifestation of racism than denying a people their inalienable right to self-determination. Israel, the occupying Power, continued to practise its racist policies towards the Palestinian people by denying them their inalienable right to self-determination, return and a dignified life in their homeland. It was incumbent on the international community to work diligently to ensure that the Palestinian people were able to exercise their right to live in peace like other nations. In order to cleanse itself of racism, Israel must begin by recognizing its historical responsibility for the pain and suffering that it had caused the Palestinian people.

40. **Mr. Maqungo** (South Africa) said that South Africa viewed with deep concern the continued occupation of Palestinian territory by Israel in contravention of international law. Its violations of human rights and international humanitarian law, including the continued construction of the Wall in contravention of the ruling of the International Court of Justice, did not bode well for a comprehensive solution to the Israeli-Palestinian conflict. Israeli military actions in Gaza during the past summer following the capture of an Israeli soldier by Palestinian militants were disproportionate and excessive. South Africa called on the kidnappers of Corporal Gilad Shalit to release him. Similarly, it called on Israel to release the Hamas Cabinet ministers and the Speaker of the Palestinian Legislative Council who had been arbitrarily detained.

41. South Africa condemned the Israeli Government's bombardment of Gaza and called on Israel to cease forthwith such acts and to uphold international law. The Government of Israel must dismantle settlements and desist from further expansion in the occupied Territory and should do so through direct negotiations with the Palestinian Authority. Israel's continued policy of de-Palestinization of Jerusalem should also cease. South Africa reiterated its call to both the Government of Israel and the Palestinian Authority to seek a peaceful solution to the conflict in the Middle East, since only a political solution through a negotiated settlement, based on a two-State policy, could guarantee a just, lasting and comprehensive peace. South Africa supported the internationally agreed consensus on United Nations Security Council resolutions 242 (1967) and 338 (1973). It also reaffirmed its support for the call of the African Union to the international community and, in particular, the members of the Quartet, to reactivate their plan so as to pave the way for a return to the negotiating table in accordance with the principles of international law and the resolutions of the Security Council, in order to

achieve a lasting and comprehensive solution to the Israeli-Palestinian conflict on the basis of two States living side by side in peace and security.

42. **Ms. Bouhamidi** (Morocco) said that her country had always opposed all forms of racism and racial discrimination, as reflected in its signing of the International Convention on the Elimination of All Forms of Racial Discrimination and its support for the provisions of the Durban Declaration and Programme of Action of the World Conference against Racism, and called for the full implementation of those instruments by the international community. The spread of ideas based on discrimination, exclusion, hatred and violence, especially towards women, immigrants and minorities was regrettable. Better mutual understanding could only be achieved through constructive and fruitful dialogue between civilizations, religions and cultures. In that regard, Morocco had supported various international initiatives and participated actively in a series of conferences aimed at bridging the gap between religions and civilizations.

43. It had taken many measures to ensure the full and complete respect of the rights of all citizens, regardless of their religion, language or gender, including by joining the Tripartite Forum on Interfaith Cooperation for Peace, along with some United Nations agencies and many religious organizations. The purpose of the Forum was to develop ways and means to affirm the role of interreligious and intercultural cooperation and to identify new ways to address interreligious, intercultural and intercivilizational issues and concerns.

44. The principle of equality before the law was entrenched in the Moroccan Constitution and laws had been passed to punish all acts of discrimination. A new Family Code recognized the principle of equality between the sexes, preserved women's dignity and guaranteed the rights of the child, and other initiatives had been taken to safeguard the country's cultural and linguistic diversity. At the international level, however, much remained to be done to bridge the gap between religions and civilizations and create a more conducive climate for sustainable and peaceful coexistence.

45. **Ms. Joseph** (Saint Lucia) noted that the States parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights had an obligation to promote the realization of the right of all peoples to self-determination. Despite the adoption in 1960 of the Declaration on the Granting of Independence to Colonial Countries and Peoples and, over the years, of numerous General Assembly resolutions for the eradication of colonialism, completion of the self-determination process for the remaining Non-Self-Governing Territories continued to elude the international community. His Government strongly urged that the unfinished agenda of the self-determination of those territories should be taken up in all relevant United Nations bodies, including the Human Rights Committee and the Human Rights Council.

46. To that end, the Chairman of the Special Committee on Decolonization had set forth a Plan of Implementation of the Decolonization Mandate, contained in document A/60/853-E/2006/75, which articulated the extensive mandate of the self-determination process and identified where specific actions should be taken. The international community needed to give substance to those initiatives, in particular through the actual implementation of relevant United Nations mandates, so that the peoples of the remaining Non-Self-Governing Territories could share the fruits of universal self-determination.

47. **Mr. Afifi** (Egypt) said that failure to uphold the right to self-determination was in flagrant contradiction to the principles of democracy and respect for human rights. Rather than an act of charity granted by the international community to peoples living under the yoke of colonialism or foreign occupation, the right to self-determination recognized the right of those peoples to fight against colonialism by all means available, including armed attack, a right just as sacred as the right to self-defence, as guaranteed by the United Nations Charter. It was therefore necessary to join efforts in supporting peoples struggling against colonialism and to ensure that countries complied with their commitments in matters of international humanitarian law, particularly those pursuant to the Fourth Geneva Convention. In that context, it was necessary to relaunch the peace process in the Middle East on the basis of the creation of an independent Palestinian State, thus enabling the Palestinian people to exercise all their legitimate rights and, above all, their right to self-determination.

48. It was also imperative to put an end to any form of embargo. The embargo that Israel was trying to

impose in order to sow discord undermined the unity of the Palestinian people and sought to limit the Palestinian people's chances of achieving independence and development. It was incumbent on the international community to ensure Israel's withdrawal from all Arab territories occupied since 1967, both in the Syrian Arab Republic and Lebanon, and to request Israel to discontinue its daily aggression against the Arab peoples in Palestine and Lebanon. In particular, it was crucial that the Security Council should adopt all measures necessary to ensure respect of international humanitarian law in all countries, without exception.

49. While the international community had made progress in protecting and promoting human rights, its work could not be complete as long as double standards, politicization and selectivity continued to be applied in human rights issues, particularly self-determination. Despite the optimism exhibited when the Human Rights Council had been established, no success would be achievable unless the Council eliminated racial discrimination. Furthermore, the failure of the Security Council to maintain peace and security in Palestine and Lebanon had given rise to an upsurge of violence in the region and, as a result, the Council had not been able to react in due time. Neither had it been able to adopt a resolution protecting the Arab population in Palestine and Lebanon from aggression from the occupying forces and upholding their right to self-determination. On 27 September 2006, the Arab States had called on the Security Council, requesting it to fulfil its responsibilities in the Middle East and to guarantee the peoples of the region their natural right to self-determination and the right to coexist with neighbouring countries according to the pre-1967 borders in a climate of peace and security.

50. **Mr. Maia** (Brazil), responding to allegations contained in the report of the Secretary-General on the universal realization of the right of peoples to self-determination (A/61/333), said that the adoption of the United Nations Declaration on the Rights of Indigenous Peoples was a major achievement and Brazil recognized the invaluable contribution of indigenous peoples to its political, economic, social and cultural development. The Declaration reaffirmed that the rights of indigenous peoples should be exercised in a manner that respected the political unity and territorial integrity of the sovereign and independent States in which they lived.

51. The conclusions of the Human Rights Committee did not accurately reflect his Government's achievements on indigenous rights. Over past years, it had handed over a considerable portion of land to the indigenous peoples and the alleged eviction of indigenous peoples from their land concerned only two isolated cases that were being reviewed by the courts.

52. In the area of education, many young indigenous people were attending schools, and also universities. The national health programme was focused on expanding drinking water supply, conducting vaccination campaigns and promoting access to medical and hospital facilities for indigenous peoples. The Government had organized a conference on indigenous peoples with the full participation of representatives of tribal groups and other organizations. The outcome of that conference and specific recommendations from indigenous delegates would be taken into account in the development of government policy and priorities.

The meeting rose at 5.30 p.m.

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Chairman: Mr. Al Bayati ..... (Iraq)

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06-60445 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (A/61/12 and Add.1, 224 and 301)

1. **Mr. António Guterrez** (United Nations High Commissioner for Refugees), introducing his report (A/61/12 and Add.1), said that, in the past year, there had been a number of far-reaching developments in the political and humanitarian context in which the Office of the United Nations High Commissioner for Refugees (UNHCR) worked. Population movements were an incontrovertible global phenomenon, and called for the active role of UNHCR in ensuring asylum in mixed migration flows. New forms of inter-agency cooperation were changing the way in which UNHCR assisted internally displaced persons and humanitarian agencies accessed funds.

2. The pattern and scale of change had posed two major challenges for UNHCR, namely, the need to reassess its mission — UNHCR must remain faithful to its mandate while adapting to the demands of the changing world — and the need for deep structural and management reform in order to strengthen its effectiveness and enhance its capacity to generate more resources to support those it cared for.

3. UNCHR had become an integral part of the collective response by the United Nations system and the broader humanitarian community to situations of internal displacement, and had assumed leading responsibility for protection, camp coordination and management and emergency shelter in situations of conflict-generated displacement.

4. The cluster leadership approach had opened up new opportunities for sustainable solutions, and lessons learned from its implementation in the pilot countries — Uganda, the Democratic Republic of the Congo, Liberia and Somalia — would guide UNHCR in the future. In Uganda, for example, it had been instrumental in the return home of more than 300,000 refugees and displaced persons, transforming a tragic humanitarian situation into a success story. Clusters in other countries were working together to identify gaps, coordinate assistance and plan returns. UNHCR had underscored that the approach should be flexible and adaptable to the situation on the ground, its framework should be light and non-bureaucratic, and humanitarian actors should cooperate closely as strategic partners in its ongoing development and implementation. In countries in which the cluster approach had not yet been implemented, UNHCR was responding to the needs of the people in accordance with its capacities. It was currently reassessing those capacities in Colombia, Sri Lanka and the North and South Caucasus, and had been encouraged by the request of the United Nations country team in Côte d'Ivoire for a protection cluster.

5. Population movements were of critical importance to the UNHCR mission. The curbing of illegal migration was not only a question of controlling borders, but also called for international cooperation in the management of migration flows, an effective crackdown on smugglers and traffickers, the creation of genuine opportunities for legal migration and development cooperation strategies to provide the most vulnerable persons with assistance and alternatives to illegal migration. While such activities did not fall within the competence of UNHCR, population movements were increasingly taking the form of mixed flows accounted for not only by migrants, who formed the large majority, but also persons in need of international protection. The role of UNHCR was to help create an environment in which the latter could be identified, afforded protection and granted access to asylum procedures and fair treatment of their claims. Measures aimed at curbing illegal migration must not be allowed to call those rights into question.

6. Protection capacity must be built in all countries of origin, transit and destination, both in the North and in the South. The 10-point plan of action adopted by UNHCR in 2005, to be piloted in North Africa and southern Europe, set out practical support for States and measures that could be incorporated into migration procedures in order to address asylum without compounding issues relating to irregular migration.

7. UNHCR fully supported the High-level Dialogue on International Migration and Development and the Global Migration Group, and stood ready to support any initiative emerging from those forums.

8. Protection remained at the core of the UNHCR mandate, including the new focus on internal displacement and the migration-asylum nexus. At a time of rising intolerance fuelled by security concerns and confusion in the public mind between migrants and refugees, protection also meant firmly opposing

refoulement, rebuilding trust in asylum systems and guaranteeing respect for international refugee law, which could not be superseded by national legislation or extradition treaties or redefined by bilateral arrangements. The strengthening of protection by building skills, institutions and coalitions was an instrument of international cooperation and solidarity that facilitated fair burden sharing.

9. Protection was also at the heart of UNHCR efforts to reduce statelessness. In order to build on its successes in helping to reduce statelessness — which included practical assistance to Ukraine, the former Yugoslav Republic of Macedonia and Sri Lanka and a cooperation programme with the Russian Federation — UNHCR planned to introduce specific measures to reduce and prevent statelessness, such as birth-registration campaigns, population censuses, electoral assistance and public awareness.

10. UNHCR welcomed voluntary repatriation and had actively promoted community-based projects in areas of origin to that end. However, it was deeply concerned at the difficult conditions that returnees often faced, particularly lack of infrastructure and institutions as a result of conflict and neglect, insecurity, human-rights violations, potential crop failure and a lack of viable options for income generation. Their enthusiasm and hope could be short-lived in such conditions, and they might be tempted to leave the country once again. Their needs in such situations were enormous, and refugees themselves were often wary of repatriation. The international community must understand the importance of improvements that could be achieved rapidly in order to gain the confidence of persons in post-conflict situations. UNHCR promoted returns only once minimum conditions had been met and it was able to verify that returnees would be safe following repatriation.

11. The international community routinely ignored the fact that returnees could not live on hope alone, and was inefficient in addressing transition problems in post-conflict situations. UNHCR therefore welcomed the creation of the Peacebuilding Commission, and was eager to work actively with it. It had seconded a staff member to one of the Peacebuilding Support Offices, and would participate fully in the development and implementation of the peacebuilding strategies being developed in Burundi and Sierra Leone.

12. In the past year, emergency UNHCR teams had been active in Lebanon, Timor-Leste, northern Pakistan and northern Kenya. Worldwide, UNHCR was working to increase its speed and efficiency in deploying expert staff and relief aid. However, scope for UNHCR intervention was often severely constrained in crisis situations, as in Darfur. In Iraq, increasing displacement had led UNHCR to re-examine its work and priorities throughout the region. There was no clear framework for the exercise of the responsibility to protect.

13. Earlier in 2006, UNHCR had embarked on thorough structural and management reforms, with a view to becoming more flexible, more effective and more results-oriented. That process would also reflect broader United Nations reform, particularly with respect to the review of governance and oversight mechanisms. UNHCR aimed to ensure that its procedures, structure and staff were fully able to meet the new challenges. To that end, it was examining the kind of field support that could be moved closer to points of delivery, the cost-effectiveness of its administrative services and the question of whether those services should remain in Geneva or be relocated. In the field, it was reassessing its deployment of staff and the scope and impact of its activities as compared to activities implemented through partnerships with other agencies.

14. UNHCR must be sensitive to the legitimate concerns of staff. The reforms would help in improving working conditions, to which end an annual global staff survey and a management assessment framework were soon to be introduced. UNHCR was also addressing the problems of staff welfare at difficult duty stations, and would fully comply with minimum operating security standards, regardless of cost. He paid tribute to the courage and sacrifice of UNHCR staff members who had lost their lives in the past year.

15. UNHCR must channel its resources first and foremost towards direct assistance for refugees — including support for repatriation, access to medication, and prevention of and responses to sexual and gender-based violence — and towards the agency itself only where strictly necessary. However, it needed political and financial support. In that regard, he welcomed the significant increase in donor contributions in 2006, and appealed to States that could afford to do so to do more. In view of the enlarged role of UNHCR, he hoped that main donors would increase

their contributions. UNHCR had also received support in 2006 from the Central Emergency Response Fund, which had enabled it to address new emergencies in Sri Lanka and Timor-Leste and the recent influx of Somali refugees in Kenya and to support chronically underfunded operations in other parts of Africa. Its supplementary budgets for repatriation operations in the Democratic Republic of the Congo and the Sudan and the protection of internally displaced persons in Darfur had also benefited from pooled funds.

16. UNHCR was committed to fulfilling its mandate with humanity, humility and efficiency and persisting in its efforts to reach a greater number of those in need of protection.

17. **Mr. Bâzel** (Afghanistan) said that his Government was resolved to overcome the legacy of years of conflict, and was making every effort to create the necessary conditions for the voluntary, safe and dignified return and reintegration of Afghan refugees and internally displaced persons. However, the problems identified in paragraphs 38 and 39 of the High Commissioner's report and the lack of major economic projects that could create jobs were among the many difficulties faced by returnees. There was a high concentration of returnees in major urban areas, and lack of shelter and basic services had placed an extreme burden on limited resources. While acknowledging the huge burden on countries hosting Afghan refugees, he underlined the importance of the principles of international law with respect to the protection of refugees.

18. Taking into account the lessons learned from the situation in Afghanistan and the fact that the large-scale return of refugees added to the problems faced by countries emerging from conflict, he asked the High Commissioner whether UNHCR might consider the possibility of arranging a gradual return of refugees and internally displaced persons, enabling the Government of the country in question to provide services, ensure the safe and dignified return of refugees and create conditions conducive to settlement in areas outside urban centres.

19. He noted that refugees often became socially integrated in host countries, in which they had joined the workforce. Given that their work entitled them to certain rights and social benefits, he asked the High Commissioner how he viewed their plight in such situations.

20. **Mr. António Guterrez** (United Nations High Commissioner for Refugees) said that the situation in Afghanistan represented one of the greatest failures of the international community to provide effective assistance during transition. While the international community was well able to respond to emergencies and knew how to support States in crisis situations, responses in the area of development tended to be slow, and effective aid often came too late. Capacity-building and the establishment of good governance were lengthy processes, and reconstruction and development must be carried forward in the intervening period.

21. It was therefore essential to expedite cooperation among States, United Nations agencies, international financial institutions and the donor community so as to ensure that rapid improvements were made in such situations, including labour-intensive infrastructure projects, improvements in various social areas and support for rural communities in re-establishing economic activities. Such measures were vital in consolidating peace and enabling internally displaced persons and refugees to return home.

22. While UNHCR agreed that it was necessary to organize returns gradually and in conditions of safety and dignity and would do its utmost to make that return gradual, it had learned from experience that, when conflicts ended, a vast number of people wished to return to their homes quickly and often immediately, and unless UNHCR supported them, they would act of their own accord. It was therefore difficult at times to reconcile the will of the people with the need for a gradual approach.

23. UNHCR was continuing to cooperate with the Governments of Afghanistan and Pakistan to enable remaining refugees to return home and to increase the effectiveness of protection mechanisms. Both Governments rejected the idea of forced returns, which was encouraging, given the growing complexity of regional situations. There was greater dialogue between those and other countries on the problems of flows, movement and migration among them. Regional agreements among States were crucial in managing those movements in a dignified and effective manner.

24. **Mr. Vohidov** (Uzbekistan) expressed his appreciation for the work undertaken by UNHCR to assist Uzbekistan in receiving refugees from

Afghanistan and Tajikistan and subsequently enabling them to return home.

25. Referring to paragraphs 20 and 44 of the report regarding the emergency status determination and resettlement of Uzbek refugees in July 2005, he said that it was difficult to understand why UNHCR had deemed it appropriate to grant refugee status to fugitives from justice who were charged with criminal offences in connection with the events that had taken place in Andijan. The Government of Uzbekistan had requested their extradition in accordance with international norms.

26. **Mr. António Guterrez** (United Nations High Commissioner for Refugees) said that UNHCR had decided, in close cooperation with the Government of Kyrgyzstan, that the status of the Uzbek nationals in question should be determined in a location far from the events that had taken place, which was in line with normal UNHCR procedure. The resettlement procedure involved thorough application of the UNHCR methodology for refugee status determination, which took a number of concerns into consideration in order to ensure that refugee status was granted in accordance with the Convention relating to the Status of Refugees and other international instruments relating to human rights and humanitarian law. Resettlement countries also accepted refugees in accordance with those instruments. International refugee law could not be superseded by bilateral arrangements for extradition.

Agenda item 65: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/61/18, 186, 260 and 335)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/61/337)

Agenda item 66: Right of peoples to self-determination (*continued*) (A/61/333 and 341)

27. **Mr. Akram** (Pakistan), speaking on item 66, said it was the universal recognition of the right to self-determination of peoples that had led to the independence of most of the States Members of the United Nations. The realization of that most fundamental collective human right was a prerequisite for guaranteeing all other human rights, and its existence continued to engender hope among millions of the poor and vulnerable deprived of the right to chart their own destiny.

28. Four principles connected with that right needed to be constantly reaffirmed: that the forcible occupation of the territory of a people whose right to self-determination had been recognized was a clear violation of international law and of the Charter; that the right to self-determination could be exercised freely only if it was unfettered by overt and covert coercion and influence and could not be exercised freely under conditions of foreign occupation and repression; that it was immutable and could not be extinguished by the passage of time; and that the legitimacy of the struggles of peoples for self-determination could not be compromised by tarnishing it with the tar brush of terrorism.

29. The free exercise of the right to self-determination had been denied in several parts of the world, such as Jammu and Kashmir, and Palestine. Six decades had passed since the Kashmiri people had been promised the exercise of that right by the Security Council, which had more than once pronounced that the area's future would be decided through a free and impartial plebiscite conducted under United Nations auspices. Pakistan, having gained its own independence through the exercise of that right, had based its position on the Kashmir issue on the United Nations Charter, international law and the Security Council resolutions.

30. After decades of confrontation and conflict, largely over Jammu and Kashmir, Pakistan and India had been engaged in a three-year dialogue to resolve the issue, which had led to agreement on several confidence-building measures, including the resumption of transport links in the wake of the 2005 earthquake. The President of Pakistan had advanced several creative ideas and it had been agreed to continue the search for mutually acceptable options for a peaceful negotiated settlement. There was now a need to build on points of convergence and reduce points of divergence. Any durable solution would require flexibility and boldness on both sides and must be acceptable to Pakistan and India and, above all, to the Kashmiri people.

31. **Ms. Escobar-Gómez** (Bolivarian Republic of Venezuela) said her country rejected any form of discrimination. Any doctrine of superiority based on racial distinctions was scientifically false, morally

wrong, socially unjust and politically dangerous. Venezuela, a multi-ethnic, multicultural society composed of black, white and indigenous people and, latterly, of immigrants from all corners of the world, was proud of its racial mix and had created a culture of tolerance and respect for diversity. Under its Constitution, immigrants were entitled to residence and dual nationality.

32. In accordance with the Durban Programme of Action, the country was endeavouring to eliminate all forms of racial discrimination, especially against the indigenous and Afro-Venezuelan population groups. Normally the victims of racially stereotyping, those groups were directly involved at all stages of the National Plan, particularly in programmes to eradicate poverty, now the main cause of discrimination and intolerance. The measures taken to that end included the creation of a presidential commission to combat discrimination in the Venezuelan education system.

33. Her delegation welcomed the initiative of the countries of the Caribbean Community (CARICOM) in submitting the first draft resolution to commemorate the two-hundredth anniversary of the abolition of the Transatlantic slave trade, thus instilling in the collective human memory the fate of millions who had died in slavery because of the colour of their skin, their culture or their thinking, and placing it on the United Nations agenda.

34. Nevertheless, prejudice, racism and inequality persisted. It was important to be alert to new and emerging forms of discrimination. While the vast majority of the world was fighting intolerance, empires were building walls based on ideas of racial or national superiority. It was regrettable that in the United States terrorists were treated like privileged immigrants while immigrants from the South were treated like terrorists. Migrants were pursued, hunted down and exploited. She hoped that terrorist Luis Posada Carriles, protected by the United States Government, would soon be extradited, along with other individuals accused of carrying out attacks against diplomatic premises in Venezuela.

35. With regard to self-determination, her country rejected any attempt to prevent the self-determination of peoples, national unity and the territorial integrity of States and made common cause with Puerto Rico, Argentina and Palestine. She called on the international community to promote programmes to provide actual or potential victims of intolerance with access to development. Unless the major imbalances in the world were halted and reversed, no walls would suffice to hold back the hordes of the poor worldwide, seeking what the more powerful had always denied them. It was time for the United Nations to place the same emphasis on the fight against racism as it did on other issues so as to achieve a more just international order.

36. **Ms. Abdelhak** (Algeria) said that although the International Convention on the Elimination of All Forms of Discrimination and the Durban Declaration and Programme of Action had made for unquestionable progress in the fight against racism and the achievement of social harmony, their provisions had still not been fully implemented. The fact that racism had become a commonplace posed a genuine threat to democratic progress and a culture of tolerance, both indispensable to a multicultural society.

37. The time had come to reverse that trend, one way being the adoption of the Durban review process proposed by the Group of 77 and China in its draft resolution on racial discrimination, which would enable the international community to renew its commitment to combat racism, measure its progress and devise ways of implementing the recommendations of the special rapporteurs. In that connection, her delegation endorsed the CARICOM proposal to commemorate the two-hundredth anniversary of the abolition of slavery on 25 March 2007.

38. Expressing concern at contemporary forms of discrimination, including religious defamation, especially Islamophobia, she said the crisis had been engendered by the irresponsibility of the media, which in the past year had attacked Muslims' most sacred symbols. Strangely, such conduct had been justified on the pretext of freedom of expression, with total disregard for the proscription of any form of incitement to racial or religious hatred and violence, set forth in the International Covenant on Civil and Political Rights. The organization by the Human Rights Council of a conference on dialogue between civilizations would be a good opportunity for a renewed alliance between cultures and civilizations, conducive to the harmonious coexistence of nations, and would strengthen the United Nations role in inter-religious and intercultural dialogue.

39. The right to self-determination had enabled most of the peoples represented at the United Nations,

including her own, to free themselves from the colonial yoke. The people of Western Sahara had been waiting for three decades to exercise that right and, despite its unanimous approval by the Security Council, the 2003 Peace Plan had still not been implemented, nor had the referendum on self-determination advocated in the Houston Agreement been held. Postponement of the referendum and the quest for an alternative solution undermined the Organization's role and prolonged the suffering of the Saharawi people and the violation of their rights.

40. In occupied Palestine, meanwhile, the Palestinian people continued to be denied the right to self-determination and their legitimate aspirations to build their own State on their land. A just and final settlement in Palestine and Western Sahara, with respect for the rights of their peoples, would boost the international community's efforts to establish the rule of national and international law.

41. **Mr. Dukali** (Libyan Arab Jamahiriya) said that the Durban Declaration was an important part of the international community's efforts to combat racism and religious discrimination. Nevertheless, that phenomenon continued to be on the rise. His delegation condemned the defamation of religion, particularly specific acts which had targeted Muslims in recent years. Following the tragic events of 2001, terrorism had been confounded with Islam and a fierce campaign had been carried out in Western countries, which in turn had allowed for the rise of extreme right-wing movements. Those movements had been able to spread their hatred towards Islam and notions of ethnic and cultural superiority in the media in the guise of freedom of expression, preferring a clash among civilizations to genuine dialogue among religions based on mutual understanding and respect.

42. His Government supported the plans by CARICOM to commemorate the two-hundredth anniversary of the abolition of slavery. It was a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. The use of private companies for military purposes was nothing short of a new means of employing mercenaries. His delegation urged all countries to abide by that Convention. The Libyan Arab Jamahiriya was also a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It noted with concern the rise in the incidence of racial discrimination and mistreatment of refugees and migrants in developed countries, and called on the international community to implement all relevant United Nations agreements to promote and protect the legitimate interests and rights of migrant workers.

43. His Government advocated the right of people to self-determination. It noted with grave concern the suffering of the Palestinian people in the occupied territories and the acts of coercion and discrimination against them. It was also concerned about the ongoing destruction of their houses, deportations, uprooting of fruit trees and construction of the separation wall, despite the objections of the international community and in violation of United Nations resolutions and the right of Palestinians to establish an independent and sovereign State.

44. **Ms. Rasheed** (Observer for Palestine) said that for nearly four decades the Palestinian people living in the Occupied Palestinian Territory, including East Jerusalem, had been deprived of the right to self-determination by Israel, the occupying Power, in the most brutal manner. Self-determination and foreign occupation were fundamentally opposed to each other. The Israeli occupation had resulted in the systematic violation of a range of individual and collective rights of the Palestinian people, including the right to liberty and security of person, the right to freedom of movement, the right to control their own natural resources and many others. The violations involved illegal settlements, closures, checkpoints, home demolitions, land confiscation, the destruction of crops and wanton killings by illegal settlers and the occupying forces.

45. Israel had used tanks, aircraft and sonic booms to terrorize the Palestinian civilian population. The full force of its lethal arsenal had resulted in the death of more than 4,300 Palestinians, including 850 children, and at least 50,000 injuries, many of which were permanent.

46. Israel's expansionist wall and confiscation of Palestinian land also infringed on the right of the Palestinian people to self-determination, in violation of international law and the advisory opinion of the International Court of Justice of 9 July 2004. The illegal settlements and the wall were seriously undermining the territorial integrity and contiguity of the Palestinian territory and thus making the vision of a two-State solution, and the Palestinian people's true

enjoyment of their right to self-determination, nearly impossible.

47. The Palestinian people would never succumb to the occupation or be forced by military means to relinquish their legitimate struggle for freedom and independence. The enjoyment by the Palestinian people of the right to self-determination and independence was essential for the achievement of a comprehensive, permanent and lasting peace in the Middle East. Her delegation would be submitting a draft resolution on the right of the Palestinian people to self-determination. She trusted that Member States would send a strong message of solidarity with the Palestinian people by adopting the resolution by consensus.

48. **Mr. Sinha** (India) said that full implementation of the Durban Declaration and Programme of Action was essential for fostering social harmony for all. The call by the Special Rapporteur on contemporary forms of racism to promote the link between the struggle against racism and xenophobia and the recognition and promotion of multiculturalism should be explored further.

49. Mahatma Gandhi had made a historic contribution to efforts to combat racism. Adequate safeguards had therefore been built into the Indian Constitution and Penal Code against the dissemination of ideas that promoted disharmony in the country. In addition, an energetic and committed non-governmental sector in India provided the necessary support for eliminating discrimination.

50. India had played a leading role in the struggle for decolonization and was at the forefront of the movement to secure the right of peoples to self-determination. In the case of Palestine, that task remained unfinished. India had maintained its unwavering support for and solidarity with the people of Palestine to that end. India had joined in voicing its concern over the endless cycle of violence which had characterized that conflict. It was critical for the international community, in particular the Quartet, to work closely with the parties so that the peoples of Palestine and Israel might live in peace, side by side, within recognized and secure borders, thus realizing the right to self-determination of the Palestinian people. The legitimate freedom struggle of the Palestinian people must not be undermined by equating terrorist activities with that struggle.

51. No right, including the right to self-determination, should be used as an instrument to promote subversion and erode the political cohesion or territorial integrity of Member States. The right to self-determination could not be abused to encourage secessionism and undermine pluralistic, democratic States. Ethnic or religious segregation and chauvinism could not be legitimized on the ground that societies needed to be constituted on homogenous lines before they could be tolerant towards diversity and accept multiculturalism. Such a view would only aid the forces of ethnic, religious and racial exclusivity.

52. **Mr. Martirosyan** (Armenia) said that many of the current unresolved conflicts resulted from the suppression of peoples' aspirations for self-determination. Those who denied that right often invoked the principles of sovereignty and territorial integrity while ignoring the human rights perspective, which was crucial for the security, well-being and development of the people concerned.

53. There were various forms of self-determination, including secession, full integration, autonomy and confederalism. Each claim for self-determination must be based on its merits and against its historical, political and legal background. The defining element in all such claims was the level of trust between various constituencies, including confidence in the central authority and its willingness to ensure the dignity and rights of all its citizens regardless of their race, religion, culture or beliefs.

54. It was impossible to trust a Government with a record of discrimination and persecution of its citizens, including pogroms, ethnic cleansing, and even full-scale war. People who had had to defend their very lives against an abusive Government and had succeeded in establishing a democratic society based on respect for human rights and the rule of law would hardly agree to return to the rule of a Government that considered democracy a favour rather than duty.

55. Referendums were among the most effective means of determining the level of a people's trust in their Government; they did not automatically result in secession. Regardless of the form of self-determination chosen, however, it was imperative to provide people the opportunity to decide on their own future.

56. **Ms. Eilon Shahar** (Israel) said that Israel knew from bitter experience the deep trauma inflicted by racism, as it had been a reality for the Jewish people

for centuries. Israel reiterated its unwavering commitment to oppose all forms of racism and discrimination.

57. Racially motivated crimes were becoming all too common. 2005 had witnessed a significant rise in the number of anti-Semitic incidents worldwide. A recent British parliamentary report on anti-Semitism in the United Kingdom documented that clear trend and pointed to the urgent need for greater study and data collection.

58. The latest ugly wave of anti-Semitism had swept both Europe and the Middle East. Iran, in particular, had been a source of the vilest anti-Semitic rhetoric heard anywhere. Its President has repeatedly denied the Holocaust and openly called for Israel to be wiped off the map. Those odious statements, aimed at inciting violent attacks against Israel and Jewish people around the globe, were a wake-up call to the international community to stand with a resolute, unwavering voice against that dangerous regime and condemn its racist ideology.

59. The spike in the number of anti-Semitic incidents around the world had been accompanied by a deliberate conflation of legitimate political discourse with anti-Semitism. Israel supported meaningful political dialogue: as a democratic State with a pluralist and open society, such discourse occurred among the Israeli public on a daily basis. However, there was a delicate balance between legitimate freedom of expression, even of unpopular opinions, and incitement. Israel concurred with the findings of the Special Rapporteur on contemporary forms of racism in his report (A/61/335) on the increase in racist political platforms.

60. During the Holocaust, most of the world had stood by silently while the most horrific genocidal violence was unleashed. Tragically, as in the case of Rwanda in 1994 and more recently in Darfur, the international community had not learned its lesson.

61. There were encouraging signs, however, that in recent years the fight against anti-Semitism and racism had gained new momentum. Israel supported the Special Rapporteur's call for combating racism through political means, including appropriate legislation, and a long-term commitment to education through cross-cultural and inter-religious dialogue. Religious communities from all traditions also had a role to play and could be effective in moderating radical elements. Israel was encouraged by the adoption of General Assembly resolution 60/7 on Holocaust remembrance. The widespread escalation of racism and anti-Semitism in particular should serve as a call to action to fully implement that resolution.

62. **Mr. Tulbure** (Moldova) said that, in Moldova, respect for the ethnic, cultural, religious and linguistic identity of all ethnic communities prevailed. His Government had reviewed and amended its national legislation to harmonize inter-ethnic relations and combat all forms of discrimination.

63. Moldovan legislation on citizenship and official languages was among the most liberal in Eastern Europe. In 1991, when Moldova had regained its independence and sovereignty, all those living in the territory of Moldova, regardless of their ethnic origin, religion or race, were granted Moldovan citizenship. Moldovan law protected the constitutional rights and freedoms of citizens, regardless of their language. Moldovan law also protected the rights of national minorities, prohibited any form of discrimination against them and helped to preserve and promote their ethnic, cultural, religious and linguistic identity. Moldova had formally been declared a multicultural and multi-ethnic society. Moldova had also signed a number of bilateral treaties with States having ethnic minorities in their territory, including Ukraine, the Russian Federation, Turkey, Bulgaria, Belarus and Poland.

64. His Government had also enhanced academic curriculums and instituted programmes on human rights to promote respect for all human beings and peoples. It ensured the right to choose the language of education at all levels. It included the history of national minorities in an effort to promote mutual understanding and lay the basis for a multicultural society.

65. His Government had made efforts to improve the situation of the Roma people in Moldova, including measures to promote employment, school enrolment and youth culture. His Government was implementing the International Convention on the Elimination of All Forms of Racial Discrimination; no cases of discriminatory acts as defined in the Convention had been registered in Moldova. His Government would continue to cooperate with the international community to eliminate racial discrimination wherever it occurred.

66. **Ms. Halabi** (Syrian Arab Republic) said that recent examples of xenophobia and discrimination against foreigners as well as the defamation of religions, particularly Islamophobia in developed countries, were a source of concern. Priority attention should be given to addressing those issues.

67. Foreign occupation and the repression of peoples should never be accepted or tolerated, as the right to self-determination was fundamental. Her Government made tireless efforts to support the struggle of peoples under occupation and colonial rule so that they might exercise their right to self-determination. It noted with regret that, despite the many resolutions concerning Palestine adopted by various bodies, they had failed to enable the Palestinian people to enjoy the right to self-determination. Palestinian refugees had remained hopeful for some 50 years that they would return to their homeland, from which they had been cast out by the Israeli occupying Power through armed force, State terrorism and bloody massacres, in violation of international law.

68. Racism was among the most dangerous phenomena, based as it was on extremist thinking which could easily be translated into practice. Racism had been spread, especially against Arabs and Muslims, on various pretexts, including efforts to combat terrorism. As the Special Rapporteur had pointed out in his statement, in some countries counter-terrorism legislation was based on purely racist considerations. Furthermore, some political platforms were based on racism and xenophobia. Racism was reflected in the reproduction of caricatures in European dailies, which had offended Muslims worldwide. The caricatures went beyond the principle of freedom of expression and contravened international rules which struck a balance between freedom of expression and freedom of religion and prohibited incitement to hatred. Such practices reflected a lack of sensitivity and respect for religious beliefs and demonstrated that some States preferred confrontation to dialogue.

69. **Mr. Petranto** (Indonesia) expressed concern at the rise of racist violence, and at the resurgent activities of associations with racist and xenophobic platforms in some parts of the world, using political alliances to proclaim democratic legitimacy. Member States should pay close attention to the link between combating racism and xenophobia on the one hand, and the construction of a democratic, interactive, multicultural society on the other. There was need for a strategy to combat racism through education and for initiatives to encourage cross-fertilization among different national communities. Dialogue through education helped to inculcate respect for diverse identities.

70. Only through dialogue would Westerners learn how wrong they were to attribute to Islam a propensity to violence. To that end, Indonesia had actively promoted interfaith and intercultural dialogue in order to undermine terrorism while strengthening the voice of moderation. His country, together with Norway, had also hosted the first Global Inter-Media Dialogue — henceforth to be an annual event — to raise media sensitivity to diverse cultures and faiths without compromising freedom of expression.

71. Freedom of expression entailed duties and responsibilities and could therefore be subject to restrictions, as set forth in the International Covenant on Civil and Political Rights: respect for the rights or reputations of others and protection of national security or public order and public health and morals. The Committee on the Elimination of Racial Discrimination must increase its efforts to prevent racially motivated offences and ensure that criminal-law provisions were implemented by States. Action should be taken to address poverty and underdevelopment, on which racism thrived. Since a partnership for development was a partnership for peace and therefore for human dignity, the Committee should stress the importance of political will to combat racism and xenophobia.

72. The long suffering of the Palestinian people, in no small measure attributable to racism, must be brought to an end. Indonesia — whose right of self-determination had for more than 300 years been in the hands of foreigners — stressed the right of the Palestinian people to self-determination and the creation of an independent Palestinian State.

73. **Ms. Adjalova** (Azerbaijan) said that her Government's policy and activities took into account the norms and principles of international law, including on the right of peoples to self-determination. That right could not apply to the Armenian population in the Nagorny Karabakh region of Azerbaijan, as they were a minority residing in the territory of a sovereign State.

74. Any dispute over which State Nagorny Karabakh belonged to was senseless, as were the illusions on the right of that region's Armenian community to self-determination in the context of secession. The Security

Council, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe and its Parliamentary Assembly had called for the unconditional withdrawal of the occupying forces from all occupied territories of Azerbaijan, the restoration of its sovereignty and territorial integrity and the creation of favourable conditions for the safe return of the displaced population.

75. Settlement of the conflict should be based primarily on restoration of the territorial integrity of Azerbaijan and preservation of the identity of the Armenian minority living in its territory. While international law did not recognize the right of minorities to self-determination, her country reiterated its willingness to confer the highest degree of self-rule on Nagorny Karabakh within Azerbaijan. However, the other party to the conflict should heed the relevant resolutions of the Security Council and stop imposing its own interpretation of international law, including the right of self-determination.

76. **Mr. Omidzamani** (Islamic Republic of Iran) said that the adoption of the Durban Declaration and Programme of Action had been a defining moment in the collective campaign against racism and discrimination. His delegation appreciated the work done to implement those instruments. Joint action against racism at all levels was indispensable, and his Government would continue to cooperate closely with the international community in order to eradicate that scourge.

77. He agreed with the Special Rapporteur that Islamophobia was more political and ideological than religious. The tendency to divide the world on the basis of religion posed a real danger to peace and security. Respect for cultural diversity was required, rather than the practice — especially by politicians, officials and the media — of publicly abhorring religious practices and ideologies. Public opinion should be protected from "phony" mass media in order to safeguard freedom of expression.

78. The international community should rebuild its multicultural identity and create an atmosphere conducive to the coexistence of different religions. Defamation, especially the blind interpretation of Islam and likening it to terrorism and violence, would affect the tolerance of Muslim communities. A global effort to combat all forms of racial discrimination was needed. His Government would continue to pursue policies on the basis of equality and justice for all, and called on all political leaders to continue international efforts to eradicate racism and phobias, and to build an inclusive society which reflected the true ethnic, religious and cultural diversity of its people.

79. **Ms. Zhang** Dan (China) said she wished to clarify that her delegation endorsed the role that education played in preventing racial discrimination. Education should focus on historical facts in order to help younger generations to understand and better respect other nations and cultures, and prevent tragedies from recurring. That should apply to all countries, whether multi-ethnic or not, and it was her Government's policy to foster friendly relations with other countries to that end.

80. **Ms. Simovich** (Israel), speaking in exercise of the right of reply, said that Israel supported the Palestinian people's right to self-determination, but not at the expense of the safety and security of Israel and its people. Palestine was being led by the terrorist organization of Hamas, whose refusal to accept the three basic conditions outlined by the Quartet and adopted by the international community was proof that it was not interested in living side by side with Israel. Furthermore, Hamas leaders had stated that their party did not recognize the State of Israel or its right to hold on to any part of Palestine, and that blood and machine guns were its language.

81. Israel had long recognized the legitimate rights of the Palestinian people, as in the Camp David Accords and other agreements that respected aspirations for an end to the conflict and implementation of those rights. However, the Palestinians had not followed through with a dialogue for peace: by electing Hamas to power, they had instead chosen a war of terror and were impeding their own self-determination.

82. The security fence had been set up to protect the Israeli population, as part of Israel's moral responsibility and right to protect its citizens. Israel was acting in self-defence against the ongoing terrorist attacks from Gaza, carried out by launching Qassam rockets on Israeli communities.

83. Delegations which had expressed their support to Palestinians should exercise their influence to convince the Palestinian leadership to recognize the State of Israel and abandon terrorism. She hoped the Palestinian people would bring forth a leadership that recognized its responsibility to Palestine and its

neighbours, which would lead to self-determination, without destruction of others.

84. **Mr. Margarian** (Armenia), speaking in exercise of the right of reply and referring to the statement by the representative of Azerbaijan, said that prior to Soviet rule in the southern Caucasus, Nagorny Karabakh had been separate from modern-day Azerbaijan, with the power to make its own decisions and enter into agreements on behalf of its population. During the 70 years of Soviet rule in Azerbaijan, the region had enjoyed the right of self-government. Nevertheless, Azerbaijan had carried out a policy of ousting Armenians from the country and assimilating the non-Azeri population. After the collapse of the Soviet Union, Azerbaijan had unleashed full-scale warfare for the forceful incorporation of that region into its territory, including through ethnic cleansing.

85. Nagorny Karabakh had enjoyed greater autonomy during Soviet rule than Azerbaijan was currently ready to provide. Any claim by Azerbaijan for territorial integrity and sovereignty over Nagorny Karabakh was illegal, since that region had never been part of the independent Republic of Azerbaijan. Non-applicability of the principle of territorial integrity was well-grounded in international law.

86. The people of Nagorny Karabakh had already exercised their right to self-determination through a referendum held in 1991, for the secession of Nagorny Karabakh from the Azerbaijani Soviet Socialist Republic, five days prior to the disintegration of the Soviet Union, at which point Azerbaijan had been recognized by the international community as a sovereign State. Therefore, Nagorny Karabakh could not be considered an integral part of the current-day Republic of Azerbaijan.

87. **Ms. Rasheed** (Observer for Palestine), speaking in exercise of the right of reply, said that Israel's claims of being a democracy were contradictory, since its Basic Law referred to Israel as a Jewish and democratic State, thus placing the interests of Jewish citizens above non-Jewish citizens. That had created the basis for a pervasive system of legal and social discrimination against the Israeli Arabs of Palestinian origin living in Israel. Israel was in no position to lecture others on the upholding of human rights, as it negated the Palestinian people's right to exist.

88. Racism was becoming more explicit in all spheres of the Israeli public arena, including by high-ranking governmental officials, army generals and even religious leaders. Some had openly called for the annihilation of Palestinians and the transfer of Palestinian people from their lands, which was equivalent to ethnic cleansing. The leader of the Yisrael Beiteinu political party had recently called for stripping a considerable number of Palestinians of their citizenship and consigning them to the Palestinian ghettoes being created inside the West Bank, and stated that any remaining Arab citizens should sign a loyalty oath to Israel as a Jewish and democratic state, or risk being expelled from Israel.

89. Also blatantly undemocratic was the Israeli military occupation of over 3 million Palestinian people in the Occupied Palestinian Territory; Israel had been openly maintaining two communities in separate residential areas in that territory with different sets of laws and rights and even separate road networks. None of that could be justified as a response to suicide bombings which had occurred after 27 years of Israeli military occupation that had killed and maimed Palestinians and robbed them of their most basic rights and their hope. It was Israel's practices and policies against the Palestinian people — and especially its denial of the Palestinian people's right to self-determination — that had created the current predicament.

90. The security justifications Israel cited had led to the killing of more than 4,300 Palestinians, and thousands more had been maimed, arrested, detained — with many cases of torture and abuse — or left homeless. Those justifications, which physically and psychologically destroyed the lives of Palestinians, could not be allowed to continue.

91. **Ms. Adjalova** (Azerbaijan), speaking in exercise of the right of reply, reiterated that her Government's position was based on international law. The delegation of Armenia should recall that Azerbaijan had been recognized by the United Nations and other international organizations as a fully fledged member within its present territory, of which Nagorny Karabakh region was an integral part. The right to the self-determination of peoples could only be realized peacefully and in accordance with territorial integrity, and did not imply the unilateral right to secession or the disintegration of sovereign States.

92. Armenians residing in Nagorny Karabakh could not be regarded as independent subjects of the right to

self-determination. The assertion that Nagorny Karabakh had never belonged to Azerbaijan was groundless under international law. Furthermore, appeals to history in the settlement of interstate conflicts were faulty, dangerous and called into question the universality of international law. Numerous official historical documents refuted the statements made over the conflict in Nagorny Karabakh. International instruments relating to the right of peoples to self-determination contained important restrictive provisions whereby that right could not be exercised in violation of the territorial integrity of States.

93. International resolutions had demanded the unconditional withdrawal of the occupying forces from all occupied territories of the Republic of Azerbaijan, the restoration of its sovereignty and territorial integrity and the creation of favourable conditions for the safe return of the displaced civilian population. They had also called for the restoration of intercommunal relations and the elaboration of the status of self-government within a democratic and legal process based on the agreement of both communities of the region.

The meeting rose at 1.05 p.m.

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Chairman: Mr. Faati (Vice-Chairman) ..... (Gambia)

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06-60451 (E)

In the absence of Mr. Al Bayati (Iraq), Mr. Faati (Gambia), Vice-Chairman, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 65: Elimination of racism and racial discrimination (continued)

(a) Elimination of racism and racial discrimination (*continued*) (A/61/18, A/61/186, A/61/260 and A/61/335)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/61/337)

Agenda item 66: Right of peoples to self-determination (*continued*) (A/61/333 and A/61/341)

1. **Ms. Simovich** (Israel), speaking in exercise of the right of reply, said that Israel was proud to have Arab members of parliament, an Arab Supreme Court judge, Arab newspapers, Arab policemen and Arab diplomats. Arabic was the second official language of Israel and all minority rights were protected by law. The official policy of all Israeli Governments had always been to accept a two-State solution to the Palestinian-Israeli conflict and to treat its Arab minority population as citizens with full and equal rights under the law. The inclusion of Mr. Avigdor Lieberman in Prime Minister Ehud Olmert's Government did not mark any change in official Israeli policy toward Palestinians or have any consequences for Israel's Arab minority population.

2. The same could not be said, however, of Hamas and the terrorist Government of the Palestinian Authority, which had repeatedly refused to accept the three basic conditions put forward by the Quartet and endorsed by the international community: to recognize Israel, renounce violence and accept previous agreements. That refusal reinforced the real goal of Hamas, which was to destroy the State of Israel and all its citizens. Unlike the Government of Palestine, Israel was fully committed to peace and the Road Map process.

3. **Mr. Hijazi** (Observer for Palestine), speaking in exercise of the right of reply, said that Israel was applying racist policies against its Arab and Palestinian citizens. More than eighty per cent of former Palestinian lands had been confiscated. Israel was the only country in the world that defined itself not as a State of its residents or citizens, but as a State of all the Jews in the world. As a result, Jews from anywhere in the world could come to Israel, declare citizenship and be granted all the privileges of being Jewish. However, Palestinians who had been living in the area for thousands of years could not enjoy the same rights. It was widely known, even in Israel, that there were four levels of citizenship in the country, the first three being the different layers of participation in Israeli society, with the Palestinians below those three layers. Indeed, Amnesty International had been looking into the treatment of Palestinian citizens in Israel, where minors and children were being arrested, beaten and detained for days. Palestinians inside and outside the Green Line were treated as if they were less human, and such treatment was rooted in the very definition and basic law of the Israeli State.

4. The appointment of Mr. Avigdor Lieberman as Minister of Strategic Affairs had been criticized by many writers and journalists, who had accused him of advocating racist policies that threatened to foster regional conflict and institutional racism against Arab Israeli citizens and other Arab democracies. He was also accused of having threatened to bomb the Aswan Dam. Mr. Lieberman, who favoured the removal of Arab Israelis from Israel, could one day become Defence Minister or even Prime Minister of Israel. The endorsement by the Israeli Government of such a racist politician spoke volumes about its view of Palestinians in particular and Arabs in general.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/61/12 and Add.1, A/61/224 and A/61/301)

5. **Mr. Rosengren** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Liechtenstein, Moldova and Ukraine, said that the European Union was deeply concerned about the situation of refugees in many countries. Some 23 million people worldwide remained internally displaced as a result of violence and armed conflict; the humanitarian crisis in Darfur was ongoing and humanitarian workers were facing security

problems. The European Union supported the efforts of the United Nations High Commissioner for Refugees (UNHCR) to find durable solutions to the refugee problem and called on all parties to give humanitarian personnel free and secure access to affected populations. The principle of non-refoulement should be respected in all circumstances to ensure that asylum-seekers and refugees were not returned forcibly to their country of origin, and UNHCR should be able to monitor the voluntary return process.

6. Some positive trends were emerging: the global refugee population was at its lowest level in a quarter of a century and many refugees and internally displaced persons had been able to return home, especially in Afghanistan and Africa. The European Union recognized the invaluable contribution of many refugee-hosting countries in protracted refugee situations and intended to support those efforts through regional protection programmes.

7. The European Union considered the 1951 Convention and its 1967 Protocol to be the foundation of international protection for asylum-seekers. It therefore urged countries that were not parties to the Convention to ratify it and States parties to fully implement it. The European Union recognized the crucial role played by UNHCR in developing asylum policies and in preserving and developing international refugee law. It would therefore seek the contribution of UNHCR in building its common European asylum system around the protection of refugees. It supported the ten-point action plan proposed by UNHCR to address the issue of mixed migratory flows and felt that the protection of refugees should form an integral part of migration policy.

8. The European Union hoped to work with others to improve the international response to humanitarian emergencies. The cluster leadership approach was important for enhanced information exchange and coordination and the lead role played by UNHCR in that connection was welcome. Effective coordination with other United Nations agencies, the Red Cross movement, NGOs, host countries, donors and other relevant partners was crucial for success. While UNHCR needed to be given additional resources and capacity to perform its new role of protecting and assisting internally displaced persons, its core mandate should not be undermined.

9. The European Union rejected intolerance, xenophobia and exclusion and wanted to remain a safe haven for refugees. It supported the efforts of UNHCR to mainstream age and gender into all its programmes and welcomed the adoption by the Executive Committee of the Conclusion on women and girls at risk and the Conclusion on statelessness, to protect the groups most often forgotten. The European Union approved the structural and management change process within UNHCR and supported the draft resolution on the Office of UNHCR as well as that submitted by Costa Rica and Estonia on increasing the Executive Committee membership from 70 to 72. The European Union encouraged UNHCR to seek further support from NGOs for the implementation of its operations. It also supported the efforts of the High Commissioner to broaden the donor base and enhance private fund-raising in order to share the burden more equitably.

10. **Mr. Miyamoto** (Japan) said that, while the number of refugees had been decreasing in recent years, some protracted situations remained, as humanitarian workers were being exposed to various forms of violence. Refugee-related issues should be approached from a human security standpoint, in order to empower individual refugees. UNHCR had undertaken many projects in refugee camps and communities to that end and Japan contributed by helping to set up the United Nations Trust Fund for Human Security.

11. The serious challenges currently facing UNHCR included assistance to internally displaced persons and organizational reform. The roles and responsibilities of the relevant organizations providing assistance under the cluster approach must be clarified and adequate financial resources made available. To improve effectiveness on the ground, it was important to strike the right balance between staff and management costs, on the one hand, and operational costs, on the other; to institute a more flexible and effective human resources strategy; to broaden the donor base and to strengthen relations with NGOs. Japan would continue providing the necessary assistance to eliminate the need to protect and assist refugees.

12. **Ms. Fontana** (Switzerland) said that mixed migratory flows had become a worldwide phenomenon that required a global response from governments, international organizations and NGOs. UNHCR also had a crucial role to play in maintaining and

strengthening the asylum system. It was important to distinguish between refugees and migrants, so that measures taken to control irregular migration did not affect the rights and international protection afforded to refugees.

13. Another challenge facing UNHCR was how to protect internally displaced persons without undermining the needs and interests of the host population. Switzerland favoured a collaborative approach to that challenge and encouraged UNHCR to take more systematic measures to help displaced persons, provided that those measures did not detract from its primary mission of protecting refugees.

14. Her Government was happy with the temporary solution adopted for the financing of specific projects in selected pilot countries to protect internally displaced persons. While that would enable UNHCR to fulfil its new mission under the cluster approach, a clear, coherent and realistic vision was needed to establish the terms of engagement of UNHCR on behalf of internally displaced persons.

15. **Mr. Afifi** (Egypt) said that his country was a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and was committed to enhancing international refugee law through Convention Plus, as well as other initiatives designed to deal with changing international conditions. Egypt was ready to expand its cooperation with the Office of the High Commissioner for Refugees, particularly with respect to the Office's voluntary repatriation programmes in Africa. Despite the successes mentioned in the High Commissioner's report in document A/61/12, funding remained a major problem, and his delegation called on all parties to provide unconditional support to make up the shortfall.

16. Attention should be devoted to eliminating the root causes of the conflicts that produced refugees, providing technical and financial support to developing countries that hosted refugees, integrating international refugee law with international human rights law in a way that addressed both the rights of refugees and countries' concerns about irregular migration, and creating conditions favourable to voluntary repatriation. The Peacebuilding Commission was an important tool with respect to that last goal. His delegation welcomed the voluntary repatriation of over one million refugees in 2005.

17. The solution to the steady increase in the number of internally displaced persons should not come at the expense of the original mandate of the Office of the High Commissioner for Refugees. The problem of refugees ultimately had political and economic causes, and could be solved only by an integrated humanitarian vision based on international law.

18. **Mr. Atoki** (Democratic Republic of the Congo), speaking on behalf of the Southern African Development Community (SADC), said that the number of refugees in the world is currently lower than it had been in over 25 years. Nonetheless, violent internal conflicts continued to cause suffering for millions of civilians.

19. In making changes to the way UNHCR functioned, the High Commissioner should take into account the difficulties of developing host countries. The international community should continue to address the root causes of refugee movements. Support for peacebuilding, conflict resolution and prevention efforts was essential.

20. Africa remained the continent most affected by forced displacements, refugee and displaced person issues. The establishment of the Peacebuilding Commission was a welcome step and UNHCR should work actively with the Commission to ensure that refugees' needs were incorporated into reconstruction processes.

21. Host countries, particularly developing countries with meagre resources, bore a heavy humanitarian burden when receiving large numbers of refugees and internally displaced persons. Measures to return refugees and internally displaced persons should be accompanied by programmes to strengthen absorption capacity and foster reintegration in receiving communities.

22. SADC was deeply concerned about the prevalence of sexual and gender-based violence and its increased use against refugees. All such violence, whether carried out by combatants or humanitarian workers, should be strongly condemned. SADC took not of financial shortfalls which had affected the capacity of UNHCR to provide social services, particularly basic education programmes. Cuts in education programmes increased the risk of labour and sexual exploitation.

23. **Ms. Merchant** (Norway) said that her country welcomed the adoption by the Executive Committee of the Conclusion on women and girls at risk, which should serve as a platform for a stronger follow-up to Security Council resolution 1325 (2000) on women and peace and security. It also commended the High Commissioner for including a post of senior gender adviser in the annual budget. Norway supported the work of UNHCR on internally displaced persons and would like those efforts to be better reflected in the annual budget.

24. Several aspects of the implementation of the cluster approach still needed to be finalized. The roll-out of the clusters had been delayed owing to confusion about the cluster lead concept. NGOs and partners needed to be actively involved in joint assessments, formulation and implementation. It was important not only to adopt a more coordinated approach but also to ensure that agencies were not overburdened with administrative tasks that would distract them from providing support and protection at field level.

25. **Mr. Floyd** (United States of America) said that core protection field posts should be preserved as UNHCR sought to make operations more cost-effective and efficient. The work of such officers was at the heart of the UNHCR mandate. The new registration tool, Project Profile, had been supported by a number of donors, including the United States, and its use should become routine in new refugee situations.

26. Reform was crucial to the long-term success of UNHCR. Implementation of results-based management and the Structural and Management Change Process would involve difficult but necessary decisions.

27. Partnerships were key to securing durable solutions such as the return of refugees to southern Sudan, Burundi and the Democratic Republic of the Congo. Partnerships with Governments, host populations, humanitarian organizations and development agencies were necessary to maintain peace and provide support for recovery and re-education.

28. UNHCR, donors (including the United States) and the Governments of Nepal and Bhutan were working to resolve the Bhutanese refugee situation in Nepal. The long-awaited refugee census in Nepal was an important first step. The countries concerned and UNHCR were urged to expand their refugee resettlement work.

29. It was important to determine who was internally displaced. Governments must be held responsible for resolving the conditions that caused forced displacement.

30. Security, traditionally the domain of police and the military in the host countries, was being handled more and more frequently through partnerships. The situation in eastern Chad, northern Central African Republic and Darfur was a matter of concern. Under Security Council resolution 1706 (2006), there were plans to establish "a multidimensional presence consisting of political, humanitarian, military and civilian police liaison officers" in key areas in Chad and, if necessary, in the Central African Republic.

31. **Mr. Guo** Jiakun (China) said that the number of refugees worldwide had continued to drop and was currently 8.3 million. However, with the increase in the numbers of internally displaced persons, the total number of people under the care of UNHCR stood at approximately 20 million. Developing and underdeveloped host countries were under severe strain due to the massive numbers of refugees they had taken in.

32. In recent years, internally displaced persons had attracted international attention due to their growing numbers. International assistance agencies both within and outside the United Nations system had worked together to develop a mechanism for assisting those persons, and UNHCR had been designated as the leading agency for the mechanism.

33. Irregular mixed population movements had become a serious challenge to the international refugee protection system. It was difficult to ensure that the asylum regime was not abused by various categories of people moving illegally, while at the same time providing timely and effective protection for genuine refugees.

34. **Ms. Blitt** (Canada) said that the lower number of refugees was offset by the large number of internally displaced persons and of protracted refugee situations and increases in the average length of time spent in exile. Solutions must be sustainable and include physical security, access to essential infrastructure, services and livelihoods, effective civil institutions and

the rule of law. The Peacebuilding Commission had a fundamental role to play.

35. Canada welcomed the adoption by the UNHCR Executive Committee of the Conclusion on women and girls at risk and the Conclusion on statelessness and the UNHCR Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum, which would assist in the separation of armed elements from refugees. A gap remained between the stated commitments of Governments and their actions, as demonstrated by continued forced displacement and cases of refoulement.

36. **Prince Al-Hussein** (Jordan), referring to the report of the Secretary-General on the new international humanitarian order (A/61/224), welcomed its proposal regarding the development of an agenda for humanitarian action. Joint efforts to support the five key issues mentioned in that report, namely prevention, access to people in need, the right to humanitarian assistance, local capacity-building and burden sharing, would be very useful. The Independent Bureau for Humanitarian Issues (IBHI), which had cooperated closely with Jordan, would be involved in developing the proposed agenda and would assist in the implementation process. The Bureau, in conjunction with Bosnia and Herzegovina, had developed a declaration containing "Basic Tenets of Humanitarian Action in Emergency Situations", which had been distributed to Member States. He also drew attention to the report of the Independent Commission on Humanitarian Issues, which was useful for the development of the international humanitarian order and the proposed agenda. The relevant draft resolution, which his delegation had prepared, focused on desired future action.

37. **Ms. Mtawali** (United Republic of Tanzania) said that her country continued to uphold its commitment to the humanitarian cause by providing asylum to refugees. The total refugee population in the country as at 30 September 2006 stood at 520,620, of which 40 per cent were self-sufficient. The remaining 60 per cent lived in refugee camps and received assistance from the international community. Although in the past the Government had allocated land for settlement of refugees, it was unable to allocate any additional land. Voluntary repatriation was therefore the best option, and the Government was currently engaged in major operations to repatriate refugees from Burundi and the Democratic Republic of the Congo.

38. With the assistance of UNHCR, as at 30 September 2006, about 260,000 Burundians had been repatriated, leaving a population of about 370,000 in the United Republic of Tanzania, only 46 per cent of whom received international assistance. The repatriation process was facing some serious obstacles, especially underfunding. With the signing of the Peace Agreement of 7 September 2006 between the Government of Burundi and the last rebel group, mass repatriation was possible in the near future, which called for a review of priorities. A sustainable repatriation process would require strengthening of the capacity of reception centres in Burundi, allocation of land to returnees and provision of assistance during the first few months following their return. Because of the improved security situation in Burundi, her Government had stopped granting prima facie refugee status, and each asylum-seeker from Burundi must undergo individual procedures to determine status.

39. With regard to the voluntary repatriation of refugees from the Democratic Republic of the Congo, it could be anticipated that, if conditions improved after the presidential elections, there would also be massive repatriation. Since October 2005, when voluntary repatriation of Congolese refugees had begun, 28,000 had already returned.

40. Her delegation was very concerned about the dwindling finances of UNHCR, and urged donors to increase their support. It wished to thank the Governments of the United States of America and Denmark for their assistance. More than 10,000 Burundian refugees had been identified and were scheduled for resettlement in the United States, with the first group expected to leave the United Republic of Tanzania in January 2007. The Government of Denmark had also funded projects in support of vocational training and production, water, sanitation, integrated natural resource management and improved protection capacity, which would benefit both refugees and the local population.

41. Like any sovereign State, her country had the right and obligation to protect itself from unlawful entry and stay by aliens. The Government would continue its crackdown on illegal immigrants, regardless of their origin, but would take care to ensure that bona fide refugees were not expelled. Committees comprised of Government officials from the United Republic of Tanzania and its neighbouring countries worked together to ensure that expulsions of illegal

immigrants were conducted safely and with dignity. It was a joint responsibility to ensure that asylum and protection were not misused.

42. **Mr. Kruljevic** (Serbia) said that refugees still posed problems in Serbia, in terms of the humanitarian dimension in particular, with major domestic and international implications. Serbia was still hosting a very large displaced population as a result of past regional conflicts: according to the latest statistics, there were 106,000 refugees and 208,000 internally displaced persons. Although the number had decreased significantly in recent years, many who had obtained citizenship as a first step towards local integration were still in need of assistance. The legal framework for integration programmes had been strengthened, especially with regard to housing issues.

43. Voluntary return was the best solution for the remaining displaced population in the region, and he underlined the importance of restitution of property and full respect for occupancy, tenancy and property rights, which would give refugees a choice between repatriation and local integration. The Sarajevo Declaration, signed in January 2005 with the representatives of Bosnia and Herzegovina, Croatia and Serbia and Montenegro, provided a way forward but difficulties had been encountered in finalizing the joint implementation matrix because of some outstanding issues with Croatia. His Government remained committed to its full implementation and looked forward to receiving concrete proposals on all outstanding issues.

44. Few of the internally displaced persons from Kosovo and Metohija currently in Serbia had chosen voluntary repatriation because of a lack of security and human rights protection. To encourage the repatriation process, necessary preconditions for sustainable return must be established, including guarantees of economic, social, cultural and property rights. As for local integration of those refugees within Serbia, the assistance of the international community was needed to establish self-reliance projects and provide direct assistance.

45. With regard to the readmission agreements that some countries had concluded with the United Nations Mission in Kosovo (UNMIK), his delegation appreciated the continuing efforts of UNHCR to oppose involuntary return of minority populations, which was not a viable solution as long as basic conditions for sustainable return did not exist. Its assistance in developing an adequate asylum system in the region was also greatly appreciated.

46. **Mr. Amangoua** (Côte d'Ivoire) said that no region in the world was spared the problem of refugees and displaced persons. The economic, social and political structures of African countries had been put to the test by the civil wars that had engulfed their neighbours. Despite its own social and political crisis, Côte d'Ivoire would continue to offer hospitality to refugees from neighbouring countries. Repatriation and reintegration of Ivorians had begun in Bloléquin and the Guiglo-Bloléquin region, although security conditions were still precarious. Moreover, 85 per cent of the Liberian refugees who had chosen voluntary repatriation in 2005 had returned home, a further 16,500 had returned by their own means, and 473 refugees, mainly Liberian, had benefited from emergency resettlement. As at 30 September 2006, approximately 40,000 Liberian refugees remained in Côte d'Ivoire, with 2,000 more expected to return home by the end of the year.

47. The solution to the problem of refugees and displaced persons lay in the peaceful settlement of disputes, creating a climate favourable to voluntary return. His country had always promoted peace through dialogue. Africa must establish democratic structures and promote respect for human rights in order to cultivate a culture of peace. Good governance and the rule of law, equitable sharing of resources and access for all to health care, education and adequate food were the basic requirements for a democracy. They were also the best way to avoid the frustrations leading to social upheaval that could degenerate into conflict and cause displacement. The international community must make a firm commitment to support such efforts by African countries. Regional economic integration would help Africa to meet the challenges of globalization. The international community should provide Africa with the assistance required to achieve that objective, in particular through the New Partnership for Africa's Development (NEPAD).

48. **Mr. Saeed** (Sudan), speaking in exercise of the right of reply, noted that both the representatives of Finland speaking on behalf of the European Union and the representative of the United States of America had made reference to the situation in Darfur and the security problems facing humanitarian workers in the region. The European Union took every opportunity to

refer to the situation in Darfur, but its allegations were untrue. A peace agreement had been signed between the Government and the rebel groups, and the security situation was improving. An agreement had also been reached on the flow of humanitarian assistance, and many humanitarian agencies were operating through safe corridors. Any obstacles to humanitarian aid were caused by the rebel groups. The European Union should refrain from making statements that targeted the unity and security of the Sudan and attempted to undermine the Peace Agreement. That type of statement served not the cause of peace in the Sudan but a hidden political agenda. The international community should support the peace and encourage other groups to sign the Agreement.

49. With regard to the reference made by the United States representative to Security Council resolution 1706 (2006), his country's position was well known: the African Union Mission in the Sudan (AMIS) should not be transformed into a United Nations operation. Another way must be found to further cooperation between the United Nations and the Sudan, and the Third Committee was not the place to discuss it. The situation in Darfur could best be resolved through support to the Peace Agreement and redoubling of humanitarian efforts.

The meeting rose at 5.05 p.m.

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Chairman: Mr. Al Bayati ..... (Iraq)

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06-60776 (E)

The meeting was called to order at 10.15 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/61/12, Supp. No. 12 and Add.1, 224 and 301)

1. **Mr. Lotfi** (Islamic Republic of Iran) said that his Government had long hosted millions of refugees and displaced persons, in spite of its limited natural resources and a lack of assistance from the international community. The considerable and frequent influx of refugees along its borders with other countries, in particular refugees from Afghanistan and Iraq during the 1980s and 1990s, had negatively affected his country's socio-economic situation. While the international community had recognized those facts, it had not followed through with tangible action. The national re-registration exercise for refugees had indicated that over 920,000 Afghan refugees still lived in the Islamic Republic of Iran. They would need adequate international assistance which took into account basic food, shelter, health, education and welfare needs.

2. The Government of the Islamic Republic of Iran, together with the Government of Afghanistan and the United Nations High Commissioner for Refugees (UNHCR) had launched a joint programme for the voluntary repatriation of Afghan refugees and displaced persons in April 2002, under which more than 1.46 million Afghan refugees and displaced persons had been able to return to Iran to date, an unprecedented voluntary repatriation operation in the history of UNHCR's activities. Nevertheless, there had been a sharp drop in the rate of their return as compared with the period from 2002-2004.

3. To ensure further success of the repatriation programme, additional support was needed from the international community. Since reintegration was no doubt the most critical phase for the sustainable return of refugees to their countries of origin, it was important to ensure that conditions in Afghanistan were conducive for return; shelter and housing, health, education and welfare services should be adequately addressed, as should the remaining obstacles of unemployment, poverty and poor livelihood. The international community needed to redouble its efforts in that regard. Voluntary repatriation was the preferable solution to the Afghan refugee problem, and the joint programme should be further promoted in parallel with the reconstruction process in Afghanistan.

4. The Governments of the Islamic Republic of Iran and Afghanistan and UNHCR were discussing initiatives to help improve voluntary repatriation and find effective solutions. The Afghan refugee situation was complex and would require carefully planned and comprehensive solutions which respected the affected countries' sovereignty.

5. UNHCR should ensure that its engagement on the issue of internally displaced persons (IDPs) did not divert attention and resources away from the refugee issue. With regard to the situation of the Iraqi refugees in Iran, about half the 200,000 registered Iraqi refugees had returned to their homeland, and many still wished to return. Unfortunately, that wish could not be met owing to security reasons and inadequate facilities in Iraq, or the postponement or cancellation of repatriation operations from Iran. Their return should be facilitated through well-managed voluntary repatriation arrangements, and the necessary facilities should be provided upon their return, to ensure a smooth reintegration.

6. Resettlement was also an effective durable solution to the refugee problem; however, the number of opportunities for the resettlement of Afghan and Iraqi refugees in Iran was negligible. His delegation hoped that the international community and UNHCR would give more consideration to resettlement and to burden-sharing as a durable solution to such protracted and large-scale refugee situations as that of Afghan refugees.

7. **Ms. Cho Su-jin** (Republic of Korea) said that effective protection of refugees required the political will and commitment of Member States in addition to assistance from institutional organizations. While the fact that the number of refugees was at its lowest level since 1980 was encouraging, a significant number of refugees in Africa, the Middle East, Asia and Europe were still waiting to return home. It was the shared responsibility of the international community to provide protection to refugees and IDPs. Her delegation shared the concerns of the United Nations High Commissioner for Refugees at the increasing number of IDPs and the asylum-migration nexus. It was urgent to find durable solutions and ensure the physical protection of asylum-seekers in countries of

first asylum. In that regard, the role of UNHCR for the protection of refugees should be strengthened in order to uphold the rights of the most vulnerable, develop safe and sustainable return strategies and prevent repeated situations of displacement, instability and violence.

8. Her delegation encouraged UNHCR to adopt a cluster approach in addressing the protection of IDPs, and stressed the need for close cooperation and coordination among stakeholders in that regard. She applauded UNHCR for its efforts in strengthening partnerships with concerned States, other United Nations agencies, NGOs and local communities to provide more effective protection of IDPs, and also praised its continued efforts at reform, which was crucial. In that connection, her delegation supported the initiatives to make the work of UNHCR more efficient through results-based management, effective oversight, an accountability framework and field-oriented activities. Resources should be used in the most effective and cost-efficient way possible. Reform would help UNHCR to have a more mobile, integrated and multi-skilled staff.

9. Before forcibly repatriating individuals to their home country, host countries should consider the potentially harsh punishments that awaited them on their return. There was a strong need for a system to monitor returnees; monitoring the methods of deportation and conditions and safety upon return would help ensure against all kinds of refoulement. Her delegation was committed to working closely with UNHCR to find durable solutions and address the new challenges of IDPs and the asylum-migration nexus.

10. **Mr. Chernenko** (Russian Federation) said that the Russian Federation was taking steps to strengthen its cooperation with UNHCR and other international humanitarian organizations.

11. While his delegation welcomed the continuing decrease in global refugee numbers, the international community must strive to sustain that trend. Comprehensive joint efforts were needed in order to identify adequate responses to existing and emerging challenges, in conformity with international law and with the principles of neutrality, humanity, impartiality, respect for the sovereignty and territorial integrity of States and non-interference in their internal affairs. The Russian Federation therefore encouraged greater multilateral cooperation — with the United Nations in a coordination role — in combating new threats, and called upon humanitarian organizations, in close cooperation with the States concerned, to help combat international terrorism while at the same time observing strict compliance with international law and ensuring that international protection mechanisms were not misused. In that regard, it was important to ensure that refugee status was granted only to those genuinely in need of international protection.

12. Considerably more could be done to enhance the effectiveness of UNHCR activities. In that regard, the Russian Federation supported the High Commissioner's efforts to ensure greater flexibility and effectiveness in the work of UNHCR, to direct human and financial resources towards addressing the most pressing needs and to ensure optimal implementation of activities.

13. The Russian Federation welcomed the continuing role of UNHCR in strengthening regional cooperation among States and international organizations, which was one of the most effective mechanisms in regulating migration. In that regard, it was vital to continue follow-up of the Commonwealth of Independent States (CIS) Conference on Refugees and Migrants through implementation of the Euro-Asian Programme on Forced Displacement and Migration, which would help to strengthen stability and security both in and beyond that region through practical application of the outcome of the Conference.

14. The Russian Federation appreciated the efforts of UNHCR to increase the cost-effectiveness of its work and to control the allocation of budget resources more strictly, and supported voluntary contributions to UNHCR programmes and efforts to expand the donor base as key mechanisms for reducing the agency's financial deficit.

15. The main objective of UNHCR reform should be to enhance the agency's effectiveness and capacity to respond adequately to new challenges within the framework of its existing mandate, which should not be expanded for the time being.

16. **Mr. Gaspar Martins** (Angola) said that his Government recognized its primary responsibility of providing assistance and protection to refugees and IDPs, and had been allocating financial and material resources to that effect, most recently, in support of the final phase of the country's repatriation process. While Angola had registered historically high economic

growth, much of its impact was being absorbed by the reconciliation and national reconstruction process, under which improvements had been made to the well-being of the population, the more than 370,000 refugees already in Angola as a result of repatriation operations and the more than 4 million IDPs resettled in the past four years.

17. In addressing the repatriation process and socio-economic reintegration of refugees and IDPs, his Government had prioritized the areas of mine action, food safety and professional training. Mines were the main obstacle to national recovery and reconstruction and to the rehabilitation of refugees. In that context, his Government had established a demining commission comprised of a governmental task force that included civil society, international organizations and private companies, and which had been responsible for numerous sensitization initiatives and the removal of more than 15,000 explosive devices in the seven months since its establishment.

18. Many Angolans still faced precarious conditions in their areas of origin in spite of the Government's efforts, and there was growing concern over the occurrence of natural disasters, which in the last year alone had affected more than half a million people, in particular farmers and cattle breeders. Nevertheless, there had been positive results with regard to the return and resettling of Angolans, namely through an increase in cultivation areas and the production and commercialization of agricultural products.

19. His Government was implementing sustainable rehabilitation programmes to help guarantee food safety, reduce the food shortage and relaunch agricultural production. Angola had been able to reintegrate more than a third of its population in its productive activity. While Angola's economy relied in particular on two mineral products that required skilled labour, it would continue to provide training to returnees and IDPs and to distribute agricultural kits to the population. In that connection, he hoped that safer conditions could be ensured in rural areas so as to encourage IDPs to retake their productive activities in the rural economy and release national resources for investment in economic and social sectors, the human capital of ex-soldiers capacity-building for community-based development organizations.

20. **Mr. Laohaphan** (Thailand) said that while the refugee figures were encouraging, they should not be a source for complacency, as the number of IDPs was increased. He welcomed the cluster approach that UNHCR had adopted in that regard, and urged it to strengthen collaboration with other relevant agencies. Also, as the migration-asylum nexus required a comprehensive and coherent response, he welcomed UNHCR's 10-Point Plan of Action to Address Mixed Migratory Movements which should be implemented in a balanced manner that took into account the concerns of host countries and the principle of burden-sharing. The collaboration between UNHCR and IOM on migration-asylum nexus management in North Africa could serve as inspiration in other regions.

21. For decades, Thailand had received successive waves of populations, which had had an impact on its limited resources and its society. He thus appreciated the partnership between Thailand and UNHCR, which had benefited millions of people. He wished to strengthen that partnership by working closely with UNHCR on follow-up of the High Commissioner's recent visit to Thailand.

22. Thailand had taken a number of specific steps to improve the living conditions of thousands of displaced persons from Myanmar residing along its western border; those steps included improvement of education, access to employment opportunities, more effective national status determination mechanism, integration of displaced persons living with HIV/AIDS into the health-care system and the issuance of identity cards.

23. The international community should do more to help developing countries that hosted refugees and IDPs in accordance with the principle of international burden- and responsibility-sharing. Voluntary repatriation remained the preferred durable solution, but failing that, and in a protracted situation, the next best option was resettlement. In that regard, he particularly appreciated recent decisions by countries of resettlement such as the United States, Canada and Australia to help share the burden with Thailand, and hoped that trend would continue and expand to include other countries of resettlement.

24. He urged UNHCR to work closely with relevant agencies in and out of the United Nations to find ways to prevent the outflow of persons from their countries of origin, as prevention was the best and most durable solution. The international community as a whole should review its approach to refugee protection: UNHCR should coordinate with development and

security-related agencies, donors should redouble their efforts to bring about development and employment opportunities and prevent armed conflicts in countries of origin and gaps between peace and security, development, human rights and humanitarianism should be narrowed as much as possible.

25. **Ms. Blum** (Colombia) said that her Government's initiatives for preventive action, protection, assistance for returnees, implementation of national legislation and strengthening of international cooperation, together with a number of joint projects that included a plan of action to strengthen units providing displaced persons with assistance and orientation, reflected the continuing intensive communication and cooperation between the Government and various international agencies and organizations, including UNHCR.

26. The UNHCR office in Colombia had reaffirmed its commitment to supporting the Colombian Government and civil society in their efforts to provide a comprehensive response to the situation of internally displaced persons and to strengthen the protection of the rights of those persons, and had given a positive assessment to national norms providing for assistance in situations of displacement. There had also been greater mobilization of State institutions, broad coverage of the displacement issue on the public agenda and greater allocation of resources to address the problem, although those resources remained insufficient. Colombia greatly appreciated the international cooperation assistance it had received in implementing its successful national programme for assistance to displaced persons.

27. Colombia's new Law on Justice and Peace and the creation of the National Commission for Reparation and Reconciliation guaranteed the participation of displaced persons in legal proceedings instituted in connection with the demobilization of paramilitary groups, and also provided for the surrender of illegally seized property. Colombia's democratic security policy and the demobilization of violent paramilitary groups responsible for forced displacements had contributed greatly to protecting the life, freedom and property of Colombian nationals.

28. The UNHCR office in Colombia, in cooperation with the Ministry of Foreign Affairs and other national institutions, had also been coordinating activities to address the refugee situation, including training activities for State officials, the provision of technical and legal advice, emergency humanitarian assistance to refugees and the organization of joint programmes with private sector and State entities for the effective local integration of refugees.

29. UNHCR, in accordance with its mandate and in implementing the reforms proposed for its office in Colombia, should ensure that its humanitarian assistance activities continued to be based on the principles of impartiality, neutrality and humanity, which were the guiding principles underlying efforts to address internal displacement, and on the provisions of the Charter of the United Nations.

30. National authorities had primary responsibility for affording protection and assistance to internally displaced persons within their jurisdiction. In that regard, the role of the United Nations, including UNHCR, was vital in supporting and strengthening national capacities, without prejudice to the sovereign decisions, responsibilities and obligations of States.

31. While Colombia had established comprehensive legislation, policies and programmes to address displacement and refugee situations and while it directed major resources towards humanitarian assistance, it nonetheless attached great importance to the guidance, assistance and cooperation of UNHCR, which complemented its national efforts, ensured the necessary coordination in the efficient and effective use of resources allocated by various governmental actors, international cooperation entities and the private sector, gave impetus to governmental programmes and ensured greater national institutional capacity to address those issues.

32. **Mr. Kapoma** (Zambia) said that while his delegation welcomed the significant decrease in refugee numbers worldwide and recognized that UNHCR was operating in challenging times with insufficient funds to meet needs, it was deeply concerned that the number of internally displaced persons in Africa was unacceptably high, accounting for more than half the global total.

33. In situations in which States were confronted with large numbers of refugees and means of livelihood were highly competitive or inadequate, repatriation was the preferred durable solution, provided that returnees could enjoy a dignified life in their countries of origin. In that regard, Zambia commended the swiftness with which UNHCR had facilitated implementation of the successful voluntary

repatriation programme for Angolan refugees launched in 2003, and welcomed the decision by the Angolan Government to extend that programme for a further year, until the end of 2006. Recognizing, however, that some Angolan refugees might not wish to return to Angola after that time, his Government welcomed the offer of support from the Government of Denmark in building Zambia's national capacity for the protection of refugees and displaced and stateless persons, and hoped that other donors would offer similar support. Peacebuilding and capacity-building efforts were also crucial in facilitating successful voluntary repatriation programmes.

34. In countries of origin where positive political change had taken place but had not resulted in a significant level of return of refugees and displaced persons, UNHCR must act decisively to determine the reasons for the failure to return. Zambia recognized that in some cases refugees might be unable to do so, and therefore appealed to the international community to expedite capacity-building programmes in order to give effective support to returnees.

35. In an effort to address the challenges posed by protracted refugee situations, his Government had launched a poverty alleviation and development programme entitled "the Zambia Initiative", which targeted the needs of both refugees and the local populations living in the areas that hosted them. The programme had achieved numerous successes in the western part of the country, where it had first been implemented, but had received little support in areas to which it had been extended, a situation that had gravely affected its continuation. Despite the shortcomings identified in an independent evaluation of the programme, it was widely acknowledged as an appropriate approach to addressing protracted refugee situations. The Government therefore remained committed to ensuring that the Initiative should continue to be implemented in refugee-hosting areas, and had included it under its National Development Plan. In that regard, it called on UNHCR and the international community to continue to support the Initiative with the necessary funds until the programme became self-sustainable.

36. Current global response mechanisms should be reviewed and reformed in order to reflect changes in the global humanitarian situation, particularly the increasing number of internally displaced persons. Clear mandates for all actors were essential in order to avoid gaps and delays in the delivery of urgently needed assistance in crisis situations. While the Zambian Government welcomed the evolving role of UNHCR in addressing internal displacement, it appealed to UNHCR to remain committed to its core mandate in order to ensure effective refugee protection, inter alia by helping States to build their national capacities to address refugee issues effectively.

37. The evolving global humanitarian order underlined the need to address socio-economic problems in developing countries and to give active support to national poverty eradication programmes and long-term development efforts. Countries of asylum must be supported in receiving refugees and displaced persons. Zambia therefore looked forward to working with other delegations to develop the humanitarian agenda further on the basis of the key themes of prevention, access, the right to humanitarian assistance, local capacity-building and burden sharing.

38. Concerted efforts and urgent action were needed to address the humanitarian situation in Africa, particularly in the Darfur region of the Sudan and in Chad.

39. Zambia reaffirmed its commitment to working with the international community to find durable solutions to the global situation of refugees and internally displaced persons.

40. **Ms. Abdelhak** (Algeria) said that the efforts of UNHCR to strengthen its protection activities, explore durable solutions and control and rationalize expenditure with a view to ensuring optimal cost-effectiveness in the field should be encouraged within the framework of its reform process. However, it was vital to ensure that those efforts did not depart from the UNHCR mandate or lead to its expansion.

41. The increase in the number of displaced persons was forcing UNHCR to reorient its activities towards their protection. However justified that shift in focus might be, it inevitably entailed a burden on the financial resources of UNHCR, and should not be allowed to weaken the agency's mandate to protect refugees.

42. Algeria was deeply concerned at the precarious financial situation of UNHCR and the gaps created in assistance and care for refugees, particularly in Africa, where assistance had already been reduced to a strict minimum and where security and the social situation were already fragile. The financial resources of

UNHCR must be predictable and allocated on the basis of urgency and need, thus ensuring a swifter and more flexible response capacity.

43. The concept of burden-sharing should take into account the efforts of host countries and the impact of protracted refugee situations on their social and economic development.

44. Algeria had long hosted refugees in its territory, offering them assistance, aid and solidarity, and would continue to spare no effort to alleviate their suffering until they were able to return home voluntarily in safe and dignified conditions, and to contribute to efforts to normalize the situations that had caused them to flee from their countries of origin. Some of the refugees who had come to Algeria had become fully integrated. It was in the same spirit that Algeria supported the aspirations of the Western Saharan people who had found asylum in Algeria while awaiting definitive settlement of the question of Western Sahara.

45. Algeria had implemented an assistance programme in the amount of $10 million to assist countries affected by drought and flooding, which had been completed at the beginning of 2004 and followed by a similar programme in the amount of $4 million in 2005. In addition, Algeria had responded immediately to assist Western Saharan refugee camps that had been damaged by torrential rain in February 2006, arranging the necessary airlift operations to provide human, material and financial assistance to those in the camps. Algeria welcomed the measures undertaken by UNHCR and other partners to address that urgent situation, including the deployment of a team of experts and the organization of airlift operations between its regional supplies warehouse in Amman and Algeria's airports.

46. However, his delegation failed to understand the decision to reduce subsistence aid provided by UNHCR and the World Food Programme to Western Saharan refugees, which appeared to have been based on an assessment that did not reflect the situation on the ground.

47. The situation should be reviewed and the number of Western Saharan refugees reassessed as a matter of urgency in order to avoid placing those refugees at risk and to ensure that none was excluded from receiving assistance.

48. **Ms. Adjalova** (Azerbaijan), said that her delegation welcomed the structural and management reform of UNHCR, which would enable the agency to respond adequately to the numerous challenges posed by displacement. In that regard, her delegation applauded the High Commissioner's determination to adapt the agency to meet the demands of the changing world.

49. United Nations agencies still needed to strengthen cooperation and revitalize their collaborative action in order to address existing gaps in the international response to situations of internal displacement. In that regard, Azerbaijan supported the cluster approach and the broader engagement of UNHCR with the issue of internal displacement. UNHCR should fortify its interaction and cooperation with other United Nations agencies in order to extend the cluster approach to situations of protracted internal displacement; a long-term perspective was needed to address internal displacement issues. Azerbaijan looked forward to the outcome of the evaluation of the new collaborative approach based on the implementation of pilot projects.

50. The year 2006 had witnessed dynamic interaction between Azerbaijan and UNHCR. The visit of the High Commissioner to Azerbaijan in August 2006 had provided an excellent opportunity to review the ongoing involvement of UNHCR in Azerbaijan, had given significant impetus to results-oriented cooperation and had shown reassured internally displaced Azerbaijani nationals that their hardships still received the attention of the international community.

51. Azerbaijan welcomed the renewed commitment of UNHCR to continue its advocacy work with the aim of finding solutions for displaced persons, particularly with regard to the right to return, and the willingness of UNHCR to assist the Government of Azerbaijan in planning for a large-scale return of its forcibly displaced population. It hoped that UNHCR would act as a catalyst for the active engagement of other partners and for strengthening coordination on the ground.

52. Azerbaijan was continuing its efforts to improve the living standards of the internally displaced population through a number of temporary integration initiatives and measures. Those included eliminating camps for refugees and internally displaced persons and moving displaced families currently residing in those camps or in other places unsuitable for living to newly built temporary village settlements with the

necessary infrastructure and education and health-care facilities to improve their social conditions. State budget allocations to meet their needs would be further increased in 2007. In that regard, Azerbaijan welcomed the assessment of the High Commissioner of its arduous and committed work as a positive example to other countries facing similar challenges.

53. The technical and consultative assistance provided by UNHCR gave crucial support to Azerbaijan's capacity-building efforts in strengthening the asylum system. The Government of Azerbaijan looked forward to further cooperation with UNHCR and other United Nations agencies in addressing the ongoing problems arising from the protracted situation of displacement in Azerbaijan and the broad range of refugee, asylum and migration challenges it faced as a refugee host country.

54. **Mr. Ly** (Mauritania) said that his delegation appreciated the role played by UNHCR in the economic and social development of Mauritania. Mauritania had entered a new political phase in its history since the change of power on 3 August 2005, which had paved the way for the establishment of a pluralistic, democratic system founded on equality and justice for all, free elections and good governance. Many Mauritanians living outside the country before the August events had decided to return in order to participate fully and freely in Mauritania's nation-building.

55. Mauritanians had no reason for seeking asylum abroad. All Mauritanians were able to enter their country without difficulty and enjoy all of their rights as citizens, which were guaranteed by extensive political, judicial, economic and administrative reforms acknowledged by partners on the ground, including UNHCR.

56. **Mr. Sayeed** (India) said that his delegation welcomed the adoption by the UNHCR Executive Committee of the Conclusion on Women and Girls at Risk (A/61/12/Add.1, chap. III.A). Protection must remain at the core of UNHCR work. New challenges arising from situations of internal displacement should receive greater attention. However, that must not be at the expense of the core activities of UNHCR. The States concerned should determine its role in situations involving internally displaced persons. It should also take into account the complementarities of mandates and expertise of other relevant organizations.

57. The international community must develop the capacity to differentiate refugees from economic migrants in order better to address refugee protection needs. Voluntary repatriation was preferable to all other solutions. It was also important to ensure timely implementation of rehabilitation and reconstruction initiatives to ensure the sustainability of the reintegration of those who had been repatriated. The protection of refugees must be seen in the light of the basic causes of mass displacement, particularly extreme poverty and lack of adequate resources for economic and social development.

58. The 1951 Convention and 1967 Protocol relating to the Status of Refugees, which constituted the cornerstone of the international refugee protection regime, had been adopted within the specific framework of conditions in post-World War II Europe. Those instruments did not cover a number of issues of current significance, particularly massive refugee flows and mixed migration. India's commitment to humanitarian issues was second to none. Its protection regime was based on the fundamental rights guaranteed under the Indian Constitution and was superior to that in many developed countries. It would continue to work in concert with the international community to address the new challenges to the international protection agenda.

59. Lastly, his delegation supported the High Commissioner's efforts at structural and management reform and lowering staff costs, which would release much needed funds to support operations. UNHCR must continue to work in a transparent and impartial manner, in close cooperation with the States concerned in achieving its goals.

60. **Ms. Petersen** (Bolivarian Republic of Venezuela) expressed appreciation of UNHCR work in her own and other Latin American countries faced with a mass influx of Colombians fleeing armed conflict. Venezuela's 2001 Organic Law on Refugees and Asylum-Seekers had established the right of people to seek refuge in Venezuela under the 1967 Protocol relating to the Status of Refugees. It prohibited refoulement of refugees and discrimination against them and guaranteed refugee-family unity and special protection for child refugees, particularly those separated from their immediate families.

61. In order to guarantee the right to refuge and to asylum — two entirely different categories in

Venezuela — in 2004 the National Refugee Commission had been created, as well as regional secretariats in Táchira, Zulia and Apure bordering Colombia. Venezuela, a multi-ethnic, multicultural country of immigrants, did not put up walls to keep out refugees. A variety of social programmes created by the Chávez administration had been extended to refugees and asylum-seekers with a view to their non-discriminatory integration into society.

62. The UNHCR mandate was to guarantee protection for refugees, who were in a quite different category to immigrants found in mixed migratory flows. States from which refugees fled were primarily responsible for addressing the root causes of such flight through concrete action and the political will to allow UNHCR to fulfil its mandate. States were also responsible for addressing the plight of internally displaced persons within their jurisdiction. A paragraph to that effect had been included, at Venezuela's request, in resolution AG/RES.2140 (XXXV-0/05), adopted by the General Assembly of the Organization of American States at its 2005 session.

63. **Mr. Al-Shehab** (Kuwait) said that his delegation was pleased to see that according to the report of UNHCR, the number of refugees worldwide had fallen to the lowest level in more than 25 years and that more than 6 million refugees had been able to return to their homes. The great and diverse challenges faced by UNHCR in protecting refugees required the international community to provide it with all material and moral support.

64. Kuwait had always supported UNHCR through voluntary contributions, which had amounted to nearly three quarters of a million dollars in 2006, and spared no efforts in helping refugees throughout the world. It had always endeavoured to assist the Palestinian refugees, had come to the aid of Lebanese victims of Israeli aggression and of refugees in Pakistan and Afghanistan.

65. **Mr. Taha** (Sudan) said that, despite the burden that hosting refugees had placed on his country, which had suffered and continued to suffer from the effects of the crises and conflicts that beset its neighbours, the Sudan had willingly hosted refugees since its independence. UNHCR's policy of gradual withdrawal and the cessation of assistance to more than 120,000 refugees in eastern Sudan had increased his country's burden. Nonetheless, it continued to host refugees because of its firm commitment to the international laws and norms governing refugee affairs.

66. The signing of the Comprehensive Peace Agreement and the Darfur Peace Agreement provided a firm foundation and suitable environment for the return of both external and internal refugees to their villages and towns; in fact, return had already begun in South Sudan. That required the Sudan, in cooperation with UNHCR, to provide those returning refugees with the components necessary to lead a dignified life. Consequently, UNHCR needed to pay greater attention to the status of Sudanese refugees in various countries awaiting repatriation.

67. In that regard, the Sudan looked forward to the establishment of an effective partnership with UNHCR, the international community, the bodies and agencies of the United Nations and civil society organizations for the creation of development projects, particularly in the war-affected areas of the country.

68. **Mr. Giorgio** (Eritrea) said his country, affected by years of conflict, had long been concerned about the situation of refugees and IDPs. Thousands of Eritrean civilians had fled to the Sudan and elsewhere throughout the period of the armed struggle. Upon Eritrea's independence, many had been voluntarily repatriated and often found themselves with inadequate support for shelter, health, education and economic opportunities.

69. UNHCR was hampered by a lack of resources, and international financial contributions often fell short and did not match stated burden-sharing commitments. UNHCR initiatives should therefore address the root causes of refugee outflows, such as violence and insecurity during conflicts. Durable solutions would come only through progress in conflict resolution and with the support of the international community. The response to the problems of refugees and IDPs must be coordinated at both the national and international levels, and all United Nations bodies must strive to resolve conflicts with full adherence to the Charter of the United Nations and international law.

70. His delegation shared the growing concern that the humanitarian needs of IDPs had not been adequately covered in the past. Partnerships between UNHCR and other United Nations bodies needed to be strengthened in order to fill gaps in the humanitarian area; the development of the Inter-Agency Standing Committee was a positive step in that direction, as was

the fruitful collaboration of the ILO-UNHCR Technical Cooperation Partnership programme on sustainable livelihoods for refugees.

71. Ideas for the durable solution of the refugee issue included prevention measures, protection of refugees, voluntary repatriation, and reintegration programmes for those repatriated, and his country had endeavoured to work within those recommended parameters. Despite the strain that placed on its limited resources, the country was committed to voluntary repatriation and would continue to contribute to the peace, security and stability of the region.

72. **Ms. Tchitanava** (Georgia) said issues relating to refugees and IDPs were particularly acute for Georgia, owing to the conflicts in the two breakaway regions of Abkhazia and Tskhinvali Region/South Ossetia. Ethnic cleansing and genocide had been perpetrated against Georgians and people of other nationalities, who had been forced to flee those regions. Due to the lack of a political settlement 15 years after the end of hostilities, those people were still denied the right to return and were forced to live in crowded temporary collective shelters or similar accommodation. Most of them had stayed in Georgia, but some of the 50,000 or so who had fled to neighbouring countries had, regrettably, never requested refugee status.

73. The United Nations, and UNHCR in particular, had been involved in negotiations to secure the prompt and safe return of refugees and IDPs to their homes; those efforts had been negatively interpreted by the separatists, and the process of organized return had stalled. The spontaneous return of Georgian IDPs had taken place predominantly in the Gali district, where the human rights situation was extremely precarious. Most grave violations of basic human rights occurred in the zone of responsibility of the Russian peacekeepers, who did virtually nothing to prevent or address them.

74. The separatists had taken discriminatory action such as forcing returnees, on pain of death, to acquire "citizenship" or taking conscripts for the "Abkhaz army", in order to legitimize their regime and change the area's demography. Property of Georgians had been sold to new owners, encouraged by third parties and sometimes even supported by the international community. Another problem, tantamount to cultural genocide, was the banning of Georgian-language instruction in Gali schools, where the entire school curriculum was taught in Russian, and teachers who dared to use Georgian had been harassed.

75. The separatist regime must be made to implement the recommendations of the High Commissioner for Refugees and the Representative of the Secretary-General on internally displaced persons and to put an end to their discriminatory legislation, admit United Nations civilian police and cooperate in the establishment of a permanent international human rights office in Gali, as urged by the Security Council. A real return process and verification of returnees could not start without security guarantees. UNHCR help was also needed to promote international protection for Chechen refugees in Georgia and Azerbaijan.

76. Georgia was doing its best to improve the conditions of refugees and IDPs and to facilitate their integration into local societies. The first phase had been registration, carried out in cooperation with UNHCR and other international donors, and work on property restitution and asylum assistance was under way. Also, the Georgian Parliament had adopted legislation on IDPs, providing them with legal, economic and social guarantees, and work was being done on a comprehensive action plan for IDPs, for which support from international organizations and donors would be useful. She hoped that joint efforts by her Government and the international community would create the circumstances for the prompt, safe and dignified return of refugees to their places of origin in Abkhazia, Georgia and Tskhinvali Region/South Ossetia.

77. **Ms. G/Mariam** (Ethiopia) said that conflicts, poverty, natural disasters and political persecution had always been the major forces behind the fleeing of millions of people around the world. While it was encouraging to note the decline in the global number of new refugees entering neighbouring countries, the plight of the millions of IDPs called for urgent cooperation from the international community.

78. There were currently over 100,000 refugees in seven camps in Ethiopia, the majority of them South Sudanese who had fled the country in 1983 and 1993. Following the 2005 Comprehensive Peace Agreement, many of them were preparing to return home, while some had already been repatriated under the tripartite agreement signed by Ethiopia, the Sudan and UNHCR. There were also 16,123 Somali refugees left over from

the 1980s and 1990s and 11,503 Eritrean refugees displaced during and after the Ethiopian-Eritrean border conflict. Ethiopia also hosted 555 urban refugees from 13 countries in Addis Ababa.

79. Many African countries had continued to host large numbers of refugees, sharing with them their meagre resources at the cost of environmental degradation and ruined infrastructure. The magnitude of the problem showed the degree of international support needed in order to address the refugee problem and was a reminder of the need to address the root causes of conflict and to work towards peace, stability, democracy and economic development throughout the continent.

80. **Archbishop Migliore** (Observer for the Holy See) noted that the legal system had adapted to evolving demands, as attested to by adoption of the Conclusion on Women and Girls at Risk and of the Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons. Another positive development was UNHCR's assumption, in the cluster approach, of leadership responsibility for the protection of IDPs. The reality on the ground required further attention to their needs, without losing sight of the special characteristics of refugees and their protection.

81. In addition to an adequate legal framework, protection required cooperation and political will. Unfortunately, it appeared that the legal concept of asylum was being eroded as some States gave national legislation or bilateral agreements precedence over international refugee law. Also, the phenomenon of mixed flow had made access to asylum more difficult, with some countries failing to uphold in their domestic legislation internationally established rights such as freedom of movement, the right to work and the recognition of qualifications.

82. Furthermore, programmes remained largely underfunded, resulting in a huge gap in assistance to refugees. As conflicts came to an end, strong cooperation among agencies involved in relief assistance and post-conflict recovery was needed in order to afford sustainable return in safety and dignity and the reconstruction of the local social and economic infrastructure. Norms for the protection of those in need should be applied at the national, regional and international levels, as applicable. The rights and dignity of human beings were at stake, and they deserved the highest consideration and best efforts for their protection.

83. **Mr. Dall'Oglio** (International Organization for Migration (IOM)) said that the link between the protection of refugees and broad migration movements called for coherence between UNHCR and IOM. The two organizations, both founders of what was now the Geneva Migration Group, cooperated on humanitarian crises that derived from large-scale mixed population movements and required both policy coordination and operational responses. A working group was addressing emergencies in the Western Mediterranean, and UNHCR, the Italian Red Cross and IOM had cooperated to provide relief and protection to thousands of battered people landing on the shores of the Mediterranean island of Lampedusa. That joint approach could be replicated elsewhere.

84. In mixed migratory flows, the primary UNHCR role was to ensure that asylum-seekers had access to proper status determination procedures and appropriate responses, while IOM ensured that effective migration management legislation and implementation practices were consistent with relevant international provisions. Such cooperation and coordination were essential at the policy level, but must also be implemented in humanitarian crises, where delay or duplication was to be avoided.

85. In implementing the cluster approach within the Inter-Agency Standing Committee (IASC), UNHCR led the Camp Coordination and Camp Management Cluster (CCCM) for conflict-induced IDPs, while IOM took the lead in assistance to those displaced by natural disasters. They had agreed early on to a unified approach, which prevented duplication while recognizing the primary responsibility of each in its respective area. A cluster working group and training activities built up management camp-capacities and created a pool of readily deployable staff. The two organizations, under the coordination of the Norwegian Refugee Council, had developed a camp-management toolkit and held a joint training-of-trainers seminar in Ethiopia and the Philippines, with participants from various regions.

86. **Mr. Buff** (International Committee of the Red Cross (ICRC)) said that although IDPs, unlike refugees, were not the subject of a specific international convention, they were protected by national law, human rights law and, if located in a State in armed conflict,

by international humanitarian law, which expressly prohibited any party to an armed conflict from forcing civilians to leave their homes, with the exception of temporary evacuations in exceptional circumstances. It was the violation of norms of international humanitarian law that often caused civilians to flee.

87. Action was urgently needed to ensure compliance with the law. ICRC, as custodian of international humanitarian law and an independent humanitarian institution, would continue to remind all stakeholders of their responsibilities in that regard. However, humanitarian endeavours were intended to complement, not replace, political action, and all States parties to the four 1949 Geneva Conventions had a responsibility, under article 1, to ensure respect for international humanitarian law. IDPs were very vulnerable both during their displacement and on return. They were often deprived of their livelihoods, the support of their communities and access to essential goods and services, and were frequently exposed to mines, tensions with host communities, sexual violence and under-age recruitment.

88. Primary responsibility for their protection and for response to their needs lay unequivocally with the State or other authorities under whose control they found themselves, but the authorities were all too often unable or unwilling to provide such protection and assistance, and it was in such cases that humanitarian organizations had a role to play. Ensuring such protection and assistance lay at the core of the ICRC mandate, to which end it adopted flexible strategies and sought a balance between targeted actions and more general efforts aimed at the broader population.

89. ICRC had repeatedly stressed that increased awareness of the plight of IDPs should not lead to neglect of those who had not left their homes or of protection and assistance for host populations. Those who remained behind sometimes faced even greater threats. ICRC therefore provided civilian populations with a comprehensive response to their multifaceted needs. It did so by combining protection and assistance activities of various kinds. When safe and dignified return was possible, the basic needs of returnees and the rest of the community needed to be addressed. And when return was impossible, long-term displacement called for durable solutions, with all the challenges they entailed for humanitarian and development actors. Significant parts of ICRC activities were implemented in cooperation with counterparts within the International Red Cross and Red Crescent Movement. However, while such activities fell within the ICRC mandate, the scope and magnitude of the task clearly surpassed the capacity of a single agency.

90. ICRC had closely followed the United Nations humanitarian reform process, including efforts to develop the cluster approach, and worked closely with UNHCR, with which it would further expand cooperation. While hoping that the cluster mechanism would improve the humanitarian community's capacity to provide a timely and effective response to IDP needs, ICRC intended neither to lead a cluster nor be a cluster member, in order to preserve its unique identity as an independent intermediary and institution. However, it was committed to field-based and action-oriented cooperation.

91. **Mr. Schulz** (International Federation of Red Cross and Red Crescent Societies (IFRC)) said that his delegation commended UNHCR for its continuing efforts to provide protection and assistance to asylum-seekers, refugees and internally displaced populations as well as the determination shown by the High Commissioner to address protection issues and to prioritize them within his Office. The renewed emphasis on capacity-building would do much to ensure that Governments were in a position to discharge their protection responsibilities and ensure the rights of asylum-seekers and refugees.

92. Governments must cooperate closely and maintain dialogue with humanitarian actors on issues relating to refugee protection and displacement. Dialogue with Red Cross and Red Crescent Societies had its own special context. Although they were the auxiliaries to their public authorities in the humanitarian field, their large, strong and trained volunteer base made them ideal partners in cases relating to the protection of refugees, internally displaced persons or migrants. Furthermore, vulnerable groups, especially asylum-seekers, trafficked persons and irregular migrants, would often rather seek the assistance and support of a local Red Cross or Red Crescent branch than approach the authorities.

93. Regrettably, many countries lacked sufficient resources for status determination, which put people with a well founded fear of persecution at risk of being returned to the country from which they had fled. His delegation therefore welcomed UNHCR efforts to increase its assistance to a number of countries to

strengthen their capacity to conduct refugee status determination. The circumstances of people who travelled under extremely harsh and dangerous conditions, without documents or support, were a matter of particular concern for his delegation. IFRC members went to extraordinary lengths to bring life-saving assistance to them, but it was an environment often made more difficult because of the marginalization of the people or the reluctance of some Governments to accord them the most basic attributes of human dignity.

94. The age, gender and diversity mainstreaming strategy implemented by UNHCR coincided well with IFRC's intention to increase competence and skills development for gender equality within the disaster management area. Empowering women would help to protect them from gender-based violence, HIV/AIDS, trafficking, disease and discrimination.

95. **Mr. Chernenko** (Russian Federation), speaking in exercise of the right of reply, said that statements like that of the representative of Georgia, did nothing to promote a return to normal, civilized relations between the two States. As the Russian Minister for Foreign Affairs had emphasized after meeting his Georgian counterpart, it was necessary above all to refrain from militant rhetoric and provocative actions, as required by Security Council resolution 1716 (2006), and to implement the previous agreements reached to resolve the conflicts in Abkhazia and South Ossetia.

96. **The Chairman** said that the Committee had thus concluded its general discussion of agenda item 41.

Draft resolution A/C.3/61/L.47: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

97. **Mr. Toon** (Estonia), introducing the draft resolution also on behalf of Costa Rica, said that Costa Rica and Estonia had applied for Executive Committee membership, as they were guided by their interest in and devotion to the solution of refugee problems. As an emerging donor country to UNHCR, Estonia was determined to participate actively in its crucial international humanitarian work. The enlargement of the Executive Committee to include Estonia and Costa Rica, which had a long tradition of providing asylum to refugees, would provide them with an opportunity to enhance their contribution to international efforts to resolve the problems related to refugees and internally displaced persons throughout the world.

Agenda item 67: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/61/L.44: Hostage-taking

98. **Mr. Gustafik** (Deputy Secretary of the Committee) said that the Sudan should have been included as a sponsor of draft resolution A/C.3/61/L.44.

99. **Mr. Nikiforov** (Russian Federation), introducing the draft resolution on behalf of the original sponsors and Kazakhstan and Ukraine, said that hostage-taking remained an urgent problem which his Government had experienced first hand. It was difficult to imagine a more barbarous crime than the hostage-taking that had occurred in the Russian city of Beslan in September 2004, when children and their parents had been seized and shot in the back in cold blood. That incident had clearly demonstrated the lack of morals on the part of terrorists. The murder of Russian Embassy officials in Iraq in 2006 was still a fresh memory. The justifications put forward by terrorists for such acts were often couched in terms of concern for human rights. The adoption of the draft resolution would send a clear signal to hostage-takers that there could be no such justification for those acts.

The meeting rose at 12.50 p.m.